App. F. IX-4

Previous References
Mil. 91-27, 32, 28.
" 216-30-54 & 8
" 128-31-1

Later References.

193 /.
(Leg)

File No. 61-31
Serial Nos. 1, 2 & 4

359

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three

Manuscript

Part ~~B~~ A for August-1933

SUBJECT.

The Mysore Town Municipalities Regulation No VIII of 1933

WD 01965--GPB--15,000--7-7-34

M. Abdul Aziz
31-1-35

Serial No.

1) Town Municipalities Bill.

The Representative Assembly at its Session of October 1931, approved of the general principles of the Bill subject to the modifications and considerations of the points noted below :-

may be retained at 3/4th

(1) Clause 7 :- The suggestion to further raise the elected element from 2/3rds to 4/5ths was noted for consideration. The chief objection to the adoption of the suggestion is that it will unduly minimise the scope for nomination of communities or interests who cannot or do not get into the municipal council through general elections.

Yes ✓ SPR 8/12

(2) Clause 22(1) :- The suggestion that Presidents and Vice-Presidents be elected in all cases was noted for consideration. The Deputy Commissioners who were consulted as on a former occasion are not in favour of the suggestion. The existing provision may perhaps remain unchanged. Election is to general rule in respect of Vice-Presidents.

(3) Clause 22.(9) :- The suggestion that the Vacation of his office by the Vice-President when he is appointed or elected as President should not be made applicable to cases when the Vice-President acts as President during

(except where special circumstances require nomination).

Yes 4th ✓ SPR

NOTE—Contn. Sheet

the leave of the latter was also noted for consideration. In the case specified above, the Vice-President automatically exercises the powers of the President and is not appointed or elected as President, the sub-clause does not appear to require any modification.

(4) Clause 50, proviso (a) :- I agree HM

The insertion of clause (i) in the proviso was opposed by the Assembly. It appears necessary that the addition should remain unaltered in the Final Bill. No alteration may perhaps be made in this respect. The second member was pleased to observe that the wording of the proviso required improvement. How this has to be done is for orders.

(5) Clause 71 :-

It was agreed that the Amildar may be the Assessor, that the necessary clerical help should be given to him by the municipal-council and that the revising authority in the case of Town Municipalities should be the municipal-council. The Amildar Assessor will not be able to conduct the revenue audit of the Municipalities. Clause 71 and sub-clause (2) of clause 75 may be recast as noted below :-

71(1) For assessing taxes imposed

(4) Clause 42(5) The limit of sanction of finance may perhaps remain at Rs 5,000. This point was not finally settled in the discussion may remain 5000 HM SPR

good may place generic in Rs applicable to all the Corp. The particular Mty should not change in each by laws : No alteration is needed HM

May be considered in Select Com SPR

Serial No.

in the form of a rate on buildings or lands or both in each municipality the Government shall appoint an Assesso

(2) The municipal council shall afford all clerical and other necessary help to the Assessor to discharge his duties under the Regulation and shal bear all expenditure incidental (to affording such help.")

thereto Hon

"75. (2). The revising authority to whom objections under Sub-sectio (1) may be made shall be the Munic-ipal council."

(rather an independent body to act as an appell. tribunal) Hon

(7) Clause 85(2):- The necessity for the insertion of clause 85(2) was noted for investigation. The margina note against the Sub-clause ex-plains the necessity therefor and it is based on section 90(2) of the Bombay City Municipalities Act, 1925 This is a minor matter and it does not ~~appear~~ therefore find a place in the statement of general principles.

add or the managing Com or any other Com to which the Mil may delegate this function

may be retained Hon

or an Off. of Govt ~~but~~ whom with the perm. of Govt the Cl ~~may~~ delegate --

(vide Existing Sect 65 (3))

(8) Clause 101:- This clause has been reserved for further consideration and amendment if necessary. The suggestion to issue a Warrant for the attachmen and sale of immovable property only after a registered notice

NOTE—Contn. Sheet

to the defaulter was also noted for consideration. The issue of a special notice to the defaulter as well as to persons having interest in the immovable property to be attached and who have given notice of their interest to the municipal council and have their names and addresses registered in a special register to be maintained for this purpose by the Mcl may perhaps be desirable. If this is approved, the clause will have to be suitably amended

These suggestions may be adopted 10/12

Vide orders on the last sheet SB

Clause 107:— A suggestion (8) to enhance the period of 15 days allowed for preferring appeals to one month and to delete the provision requiring the deposit of the amount claimed was noted for consideration. ~~If the suggestion is approved, the forms of notice of demand in schedule X will also have to be amended.~~

Yes Desirable Hue

x This is not found in the copy of the discussion

This provision unhealthy & may remain

SB 8/12

Clauses 196 and 197:- It was (10) promised during the discussion in the R. A, that the necessity for ~~the~~ clause 197 would be examined. Sec 160 of the existing Regulation requires the appointment of a Panchayet when a dispute arises in respect ~~to~~ of any compensation, damages, costs or

Serial No.

expenses which are to be paid. In Bombay, the appointment of a Panchayet is authorised to determine compensation and damages only. The amount of costs or expenses incurred can be known with a certain amount of exactitude and the carrying out of executive functions would be greatly hampered if Panchayets have to determine the amount payable in these cases also. In section 160 of the Bombay District Municipalities Act, the appointment of a Panchayet is limited to cases where the amount of compensation or damages has to be determined and a new section 160(A) has been enacted empowering municipal councils themselves to determine the amount of costs or expenses. Clause 197 of the Town Municipalities Bill, corresponds to Section 160 (A) and this may be retained, the scope of clause 196 being limited to the determination of compensation or damages only.

I agree

yes

(14) Clause 221.:- Sub-clause (3) of this clause in regard to delegation by D.C to the Assistant Commissioners of his power to inspect Town Municipal offices was withdrawn by Government.

NOTE—Contn. Sheet

This sub-clause may be omitted.

Clause 222:- This was also withdrawn (12) and it ~~will also~~ may be omitted from the Bill.

Clause 223:- It was agreed that (13) provision would be made to give notice to the municipal council before orders or resolutions are suspended. In place of the proviso proposed to be added to the existing section 223, the following may be inserted after the words "provided that" and a new sub-section:-

"(2) "No order shall be passed under sub-sections (1) ~~&(2)~~ of this section without giving the municipal council reasonable opportunity of showing cause against the order, and" ~~If this is approved the words in "sub-clause (2) of sub-section (2)" may be replaced by the words "sub-section (2)"~~.

(14) In addition to the points noted above, provision will have to be made for the insertion of the provisions of the Bill which will be finally passed at the next meeting of the Legislative Council in regard to the registry of shops for sale of European drugs and certified dispensers.

If approved two clauses as in this

This was agreed to by Sel. Committee. This was agreed to be deleted & has to go. SOR 8/12

The Dy Comr may have to pass an emergent order. The Pte case has right to be heard by Govt & there is no excess. 223 is all right as it stands (in the Bill) HHR

This requires further consn in Select Com. Probably in most emergent cases, the D.C. may give the opportunity

The Clauses should be accepted SOR 8/12

HHS E

Serial No.

Bill (amended by the Select Committee and to be finally passed) will be incorporated after clause 175 of the Town Municipalities Bill.

(15) Clause 236. It was agreed that the provision of this clause should be so altered as to empower Government to require the Municipal Councils to appoint chief officers whenever necessary and financially possible in the opinion of Govt and that the provision regarding ~~not filling~~ the Chief officer not being liable to be punished with fine be deleted. It was also decided to provide for Vacation of office by Chief officers as in the case of Presidents and Vice-Presidents. The clause may be recast as shown below: —

"236(1) Any Municipal Council may and ~~shall~~ when required by the Government by an order in this behalf shall appoint a chief officer for the Municipality.

(2) The appointment of ~~any~~ a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with the previous approval of Government, be removable from office, reduced, or suspended unless

(a) by a resolution of the Mdel

NOTE—Contn. Sheet

at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(b) by resolutions of the Municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person, shall cease and determine on and from the date on which such order is communicated to the Municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the Municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.]

Note this is an amendment. It is based on section 172(2)(ii). and appears to be necessary.

I agree with yes. SPDR 8/12

(~~14~~)

Clause 237(2):- In this clause also, (14) the words "and no such officer shall

Serial No.

be punishable with fine" may be deleted

(15) Clause 240:-

It was agreed that the Chief officer should exercise his powers of appointment and punishment subject to the control of the President. The clause may be recast as notes below:-

" The Chief officer shall subject to the control of the President and independantly of such powers as may be delegated to him by the Municipal Council in this behalf, have power ~~power~~

(a) to appoint to any post in the inferior Service, and to fine, reduce, suspend or dismiss any person holding such post;

(b) Subject to the provisions of the rules for the time being in force, to fine, reduce or suspend any other Municipal officer or Servant, not being the Health officer, Engineer or Chief Accountant.

Provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council

Page 109

(16) Schedule III:-

With regard to rates of taxes on motor vehicles, it was suggested that motor buses and lorries should

NOTE—Contn. Sheet

be divided into two-classes according to their seating capacity as in the case of motor cars, and that different rates may be fixed for town municipalities and city municipalities.

The following classification and rates are proposed for adoption in the case of Town Municipalities:—

Motor cars.	Existing rate.	Rate proposed in the Bill	Rate to be adopted by Town municipalities
1) motor cars weighing less than 15 cwts.	30.	30.	20
2) do - weighing 15 cwts and more	30	40	30
3) motor buses with seating accommodation for more than 8 but not more than 12 ~~passengers~~ persons.	30	60	30 ~~40~~
4) do with seating accommodation for more than 12 passengers but less than 18	30	60	40 ~~50~~
5) do — for more than 18 persons.	30	60	~~60~~ 50
6) motor lorry weighing less than 2 tons	30	60	40
7) do — weighing 2 tons or more	30	60	50

14/11/31 Gen. Secy)

14.10.31

I would suggest 3 single rates one for cars & one for buses & one for lorries

GENERAL SECRETARY. 14 NOV. 1931. No. 3318

Serial No. 2)

In the case of all the three bills (City, Town & Municipal) leave of the Council to introduce the bills may perhaps be sought for at the meeting of the Legis Council on the 10 Decr. next. under Rule 6 though this formality may be waived under Rule 8 there is not enough time to take action under that rule at the next meeting itself

DEWAN'S OFFICE 3446 16. NOV. 1931

II Member absent on leave

Dewan 3) I think so. Subject to Second Member

14/11/31

Mule 16.11.31

OFFICE OF THE SECOND MEMBER OF COUNCIL 16 NOV. 1931 No.

II Member

4) It would have saved a lot of time by publishing the

16/11

NOTE—Contn. Sheet

bill under rule 8; but I understand that the publication of the bill in Kannada will take up time & 15 days notice will not be possible

5) ~~The b~~ Leave to introduce the bill may therefore be sought & now

JPR

6) Please put the file up again for orders on the points raised in the note

JPR 17/11

OFFICE OF THE SECOND MEMBER OF COUNCIL 30071

7) May be sent to Protn Br for immediate action.

17/11/31 Protn Br) 17.11.31

8) Please take necessary action

18/11/31

9) Subject with reference to paras 5 to 8 supra, under s 9(i) of the Legislt Rules and under Rule 6 of the Rules of business of the said Council previous sanction of the Devan has to be obtained.

10) The usual forms for obtaining the sanction are here with putting

Serial No.

and the following motions are suggested for being included in the Agenda for the meeting of the Legislature to be held on 10.12.1931.

~~For motion~~

Town Municipalities Bill

11) Motion that leave be granted to introduce ~~the~~ Bill ~~to amend~~ to make better provision for the management of municipal affairs in towns in Mysore.

Mover: Second Member: Seconder:

City Municipalities Bill

12) Motion that leave be granted to introduce a Bill to make better provision for the management of municipal affairs in city municipalities

Mover: Second Member Seconder:

Filed

Bpm 19/11/31 13) Gen Secretary may Second.

Gen Secretary)
II Member)

Ce 20/11/31
Hm 24/11

Dpm

14)

Dewan)

Ce 21/11/31

DEWAN'S OFFICE 24. NOV. 1931

mle 25.11.31

15)

To L.C. office for notes & return

Ce 27/11/31

NOTE—Contn. Sheet.

noted and filed

2/12/31

16) The Gl Secy will please notes his views on the points raised in the notes

JPM
2/12/31

OFFICE OF THE SECRETARY OF COUNCIL
2 DEC. 1931
No. 8226

17) Attended to (vide margin notes & resumed)

18 cc
5/12

(Resumed)

18) The question of about immoveable property was informally discussed in Council & it was decided that the proposal should be dropped

19) The schedule re motor taxn may be examined again

20) Please see marginal remarks as regards the other points

JPM
9/12

9/12

PUBLIC OFFICES BUILDINGS.

Dated Bangalore, 14th Nov. 1931

FROM

S.P.Rajagopalachari, Esq., B.A.B.L.,
Second Member of Council &
Member, Mysore Legislative Council.

To Rajakaryaprasakta Diwan Bahadur
M.N.Krishna Rao, B.A.,
Offg. *Dewan of Mysore.*

SIR,

I beg to request your sanction in writing under Section 9 (i) of Regulation ~~XXX of 1907~~ XIX of 1923 for introducing a bill.....to...mak better provision for the management of Municipal affairs in towns in Mysore,

.....

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

S P Rajagopal
Member.

L 02234—GPB—500—13-3-17

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Office of the Dewan of Mysore.

Dated, Bangalore, 25th Nov. 1927.

No.

Mr. S.P.Rajagopalachari, Member of the Mysore Legislative Council, is hereby permitted to introduce a bill to make better provision for the management of Municipal affairs in towns in Mysore,

at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, 1923.

M. Visvesvaraya

Dewan of Mysore.

Serial No.

Bom Municipalities Bill

23) Leave to introduce was granted. The Bill has to be published after obtaining the views of the administrative branch regarding the several suggestions made in the R. & and in the L.C and after obtaining a final approved copy of Bill. For this purpose the L.C. Office once be requested to put up a copy of the discussions and the same will be sent to L.S.G. Dn for obtaining orders

Done 12/12/31

24) This may be done at once

15/12/31

L.C Office)

OFFICE OF THE SECRETARY TO THE REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL 10 DEC 1931

25) A copy of the Bill as passed under the instructions of the 2nd Member is put up.

26) A draft forwarding the Bill to the Supdt, Govt Printing, is submitted for approval

27) Issue

7/3

7/3/32

To The Supt Govt Printing Letter no L6240/mlg 8.3.32

Forwards a copy of the Bom Municipalities Bill and requests that Final proof may be sent along with the original

NOTE—Contn. Sheet.

Serial No.

28) A proof copy of the Town Municipalities Bill as revised under the instructions of the Second Member together with the Statement of objects and Reasons and notes on clauses is submitted for approval. The corrections made in clauses 174, 175, 176 and 179 and ~~[illegible]~~ Schedule IV are for orders.

29) A note showing the changes made in the bill since the general principles were discussed in the R. A will be submitted shortly.

AS 11/4/32 II Member) AM 11/4

OFFICE OF THE SECRETARY OF COUNCIL
12 APR. 1932
8616

30) Will Supt. (Mr. Seetharamaiya) please see me with this on the 18th at 3 PM.

KG 15/4/32

Hm 16/4

31) Please initiate action in Seetharamaiya AM 16/4 AM

WD 70—GBPM—60,000—13-8-31.

P.T.O.

it

es and

31) In revising the bill under the instructions of the Second Member, the following important changes have been made, besides those accepted by the Government while the general principles were discussed in the Representative Assembly :-

A. Provisions omitted as being unsuitable and unnecessary for Town Municipalities :-

Clause of the Original Bill.	Reference to Section of existing Regulation.	Subject matter.
34	32	Filling up casual vacancies in Committees.
41 (b)	39 (b)	Agreement for levy of Octroi jointly by two or more local authorities.
52 (1) (b) Proviso.	48 (1) (b) Proviso.	Bye-laws for licensing certain businessess to be made by municipal Councils to be empowered specially by Government.
52 (1) (c)	48 (1) (c)	Licensing the use of -- steam whistles etc.,
52 (1) (y)	——	Bye-laws for prohibiting vehicular traffic in streets
55 Proviso (c)	51-Proviso (C)	Creation of special --- Trusts.
59 (t) and (u)	54 (t) & (u)	Provision of economic development and preparation of lists of children of -- compulsory age in connection with elementary education.
62 (d), (p) to (r)	-do-	Promotion of co-operative societies for benefit of municipal employees and

		and of societies whose object is to provide housing accommodation to the poor, maintenance of telephole lines, supply of electric power, provision of transport -- facilities etc.,
65	58 A.	Extent of independent authority of Municipal Councils in -- respect of economic development work.
~~66~~	~~58 A.~~	Provision in rules 82 ~~Transfer by Government of -- management of institutions to -- municipal councils.~~
67 proviso (b) (ii)	59 proviso (b) (ii)	Taxation of Palace buildings used as rent - free residences.
77	---	Notice to be given to Municipal Councils of demolition or removal of buildings.
86 (1),(2) & (3)	71 (1),(2) & (3)	Fixed charges in lieu of -- water-rate, special sanitary cess and taxes on vehicles and -- animals.
87	72.	Right to supply water beyond Municipal limits.
97	81.	Collection of octroi by one local body on behalf of others.
99	81 B.	Levy of toll jointly by --- neighbouring local authorities.
113	90	Power to require repair of streets and declaration of such -- streets as public streets.
114	91	New streets.
130	...	Sewage and rain water drains to be distinct.
131-133.	103-105.	Carrying drains through land

136.	108	Power to close private drains.
139 (2)	111 (2)	Recovery of expense of inspection of drains.
140	112	Power of Municipal Council to execute works without allowing -- option to owners.
146	117	Penalty for defacing buildings etc.,
155	126	Dangerous quarrying.
157	...	Duty ofPolice and Municipal Officers to aid fire brigade.
161	130	Removal of night-soil.
162 (3)	131 (3)	Deserted and offensive -- buildings.
163	...	Buildings or rooms unfit for human habitation.
165-166	133-134.	Bathing places and fouling water in such places.
171	138	Consumption of smoke.
178 (2) (d) and (f) to (i)	144 (2) (d) and (f) to (i)	Power to direct removal of persons, for preventing dangerous diseases, to hospitals, etc., providing means for disinfection etc.
179	145	Duties of Municipal Council on threatened or actual out break of dangerous disease.
180	146	Withdrawal of powers for preventing dangerous diseases etc.
183	149	Special powers for prevention of overcrowding.
186	151 A.	Licensing of factories.
187	151 B.	Licensing use of siren or whistle for summoning or dismissing workmen.
192 (1) Provisos.	156-Provisos.	

192 (1) Provisos (a) and (b)	156-Provisos (a) & (b)	Agreement for construction of drainage and water connections and improvement expenses.
218	172	Publication of accounts.
234	180 A.	Restriction on the power of Deputy Commissioners to -- exercise powers of control with the approval of Govt
237	182	Power of Municipal Councils to appoint Health Officers and Engineers.

33 B. Other Modifications.

Clause 22.	As there is no need for more than one Vice-President for a Municipal Council, the provision for more than one vice-president is omitted.
Clauses 29 to 32.	In place of these four clauses, a single clause for constitution of Committees generally as in the Madras District Municipalities Act, has been inserted.
Old clause 44 New Clause 40	The provision for compulsory acquisition of land is made identical within the District Boards Regulation.
Old Clause 50 New Clauses 46 and 200	The power to make rules ~~xxxx~~ in respect of staff of officers and servants, their salaries etc., and fixing pensions etc., has been withdrawn from Municipal Councils and reserved to Government.
Old Clauses 56, 176 and 196 New clauses 52 151 and 165.	The provisions in sections 52, 142 and 160 of the existing regulation as to :- (1) how the Municipal Fund should be applied, (2) search for and inspection of unwholesome articles; and (3) determination of

(3) xxxxx.,

in cases of dispute, by Panchayets respectively being unsuited to town Municipalities, simpler provisions approved for minor Municipalities have been adopted in this bill also.

Old Clause 178 (1)

New Clause 153.

It is necessary to give ~~larger~~ automatic --- powers to Municipal Councils in regard to ~~xxxxxxxxxxxxxxxxxx~~ prevension of dangerous diseases. Thepowers in sub -section (2) are limited to what are really essential and these may be exercised by Municipal Councils without any special investiture by the Government.

Old clauses 208 ~~and 209~~
New Clauses 178 & 179.

Town Municipal Councils are now -- required to obtain sanction ofGovernment to their budgets. This ~~obligation~~ obligation has now been dispensed with and in order to ensure that proper provision is made for fulfilling the several obligations, power is taken to Government to suitably modify any part of the budget, if necessary. With regard to variations of budget provisions, also, full power is given to municipal Councils; but they are required to obtain the sanction of Government to reduce the estimated closing balance below the prescribed -- minimum or to reduce the provisions made for the following :-

(a) payment of instalments of ~~xxxxxxxx~~ principal and interest in respect of loans contracted by the Municipal Council.

(b) payment of sums due to Government --

(i) for execution of public works carried out by Government on behalf of Municipal Councils,

(ii) on account of capital cost of

of construction of works of permanent -- nature undertaken by Government on its own initiative and of the cost of their management and maintenance; and

(c) payment for maintenance of water supply, dispensaries, schools and other institutions or services managed by Govt.

New Clause 200.

The several provisions empowering Government to make rules which are scattered in the existing regulation have been incorporated in a single clause and power has been taken to Government to make rules for generally carrying out for the purposes of the regulation.

New Clauses 201 and 202.

Provision has been newly made :

(a) for Government cancelling rules or by-laws of Municipal Councils after -- giving opportunity to the Municipal --- Council concerned to explain, and

(b) for Government delegating its powers under the regulation to any officer subordinate to Government.

Schedule V.

The maximum rate of taxes on arts, professions, trades and callings is reduced from Rs.100/- to Rs.50/- a year.

AS 34 Send with reference to para 29.
15/4/32
18

II Member) AM 18/4

35 Thank approving the rest. My objects & reasons. This may be sent to the Govt. Secy for further action by
20/4/32

P.S.

Serial No.

36 P.S. There is one point between special reference may be made.

~~Clause~~ In the bill as now prepared, provision for municipal budgets requiring sanction of Govt has been omitted. (This point was not specifically mentioned at the R.C.) As explained in the Stt of Objects and reasons the power of Govt to sanction municipal budgets is to a great extent nominal, since the Councils are competent to vary the budget as sanctioned by Govt. The omission of the provision requiring sanction of Govt to municipal budgets is therefore not a serious departure from existing practice. ~~[illegible]~~ ~~[illegible]~~ But all necessary control is retained as Govt will have power to lay down scales of staff, reduce excessive salaries &c, and also insert necessary ~~the~~ provisions for essential terms.

Ky
21-4-32

37) Ch Secy with Comptr

HM
21/4

38) If approved, the matter will be dealt with by circulation.

Decision)

MCA
25/4/32

39) MR
25-4-32
circulate

40) C.S.

OFFICE OF THE SECRETARY TO COUNCIL
21 APR. 1932
No. 9000

CHIEF SECRETARY
21 APR. 1932

DEPUTY SECRETARY
7042
21 APR. 1932

NOTE—Contn. Sheet.

Serial No.

41) I find a number of provns in the existing Regn have been omitted in the present bill Some of them such as may be found useful in Towns also The reason of the omission of a fairly large number of sections is not quite clear But as any of them may be reintroduced if necessary at the Select Comee stage, I do not press the point

JPR
28/4

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

For Disposal by Circulation.

No. 315

of 1931-32

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject.

Draft Town Municipalities Bill.

Circulated to the Members of Council.

L(2)

By Order,

26th April 1932

Chief Secretary to Government.

9751/29.4 First Member of Council. 29.4.32

9140/26/4 Second Member of Council. Please see note at the next page 28/4

~~Third Member of Council.~~

DEWAN'S OFFICE - MAY 1932

29/4

(43) In favour of a fuel note. A copy of the Dewan's minute d. 26/4/32 on the city Municipalities Bill is placed below

9407/3/5/32 (Second Member)

7/5/32 7.N. Signed by Members

9/5/32

Dewan's minute of 26-4-32

I am not at all in favour of the change proposed in the clause regarding the removal from Office of the Chief Officer or Municipal Commissioner. It would lead to all sorts of difficulties and place the executive officer entirely at the mercy of the Municipal Council and make a plaything of him. These remarks applies with even greater force in the case of an official President also of course. Is it not possible — I think it would be extremely desirable — to provide for the yearly election of the President, where he happens to be a non-official of course? Such an arrangement would be in accordance with what obtain in Madras, Bombay and many other places in British India. It would be conducive to smooth and harmonious working and infuse a sense of responsibility ~~with~~ into the Municipal Councillors which they are ~~it~~ utterly lacking in at present. The matter may be reconsidered if it is not too late.

Intd. M.M.I.

26-4-32.

Second member's minute of 28.4.32

The points referred to above were put in by the Special Committee and approved, after discussion, by the Representative Assembly. I think the clause re removal of Chief Officers may remain as proposed, as the safeguards against hasty action seem to be sufficient. This was also specially agreed to by the Dewan at the R.A. meeting (page 218 of the Dasara R.A. Proceedings). The provision may be omitted in regard to Commissioner. Here we may keep the existing

existing section of the Regulation 186 B (3) under which he shall be removed if not less than two-thirds of the whole number of Councillors vote for such removal.

There is another point I wish to point out and that is the omission of 180 A. in the new bill. It involves an important principle which was not placed before the R.A. Further, it will involve us in immediate difficulty with regard to Mysore City Municipality where there is a Deputy Commissioner as the official President. In view of all this I think that the existing section (which has been recently utilised in the case of Bangalore City) may remain in the Bill I mentioned this matter informally to Mr. Matthan.

As regards yearly election of Presidents, the Special Committee thought that yearly elections would not be conducive to efficiency and the general feeling of the assembly appeared to be in agreement with this view. Perhaps it would be difficult to change it at this stage.

Intd. S.P.R.
28-4-32.

Dewans minute of 4.5.32 in the City Mills Bill file

It is perhaps too late to change the provision contained in the bills as regards the removal of the Chief Officer.

With regard to the Commissioner, the existing Sec. 186 (3) of the Regulation may be retained, as suggested by the Offg. Second Member.

It may be made clear that the provision for the automatic vacation of Office by the President on a vote or votes of no confidence does not apply to official Presidents, whether appointed ex-officio or by name.

Page 13. clause 22 (10)

It seems, on the whole better to retain Section 180 A of the existing Regulation. Its omission at this stage might possibly give rise to misunderstanding.

Page 107 clause 205.

As regards the term of elected Presidents, it might perhaps be possible to provide that Government shall have power, in special cases, to direct yearly elections with the consent of the Municipal Councils concerned.

Page 13 clause 22 (12)

According to proviso (c) Section 46 of the existing Regulation, the Municipal Council might dispense with the services of an officer transferred from the service of Government to the service of the Municipal Council only with the assent of the Government. This proviso has been omitted in the bill presumably with the idea that a rule might be enacted to the same effect. It seems, however, the better course to retain the proviso in the Regulation itself.

Page 26 46 proviso

Ind mm I
4.5.32

Serial No.

Changes in accordance with the orders on the last page are indicated in the relative clauses of the Bill, for consideration orders

Clause 22(10)
" 205
" 22(12)
" 46.

Sen't Secy) 6/5

Ti Member 7.5

approved, as revised by me. The idea was to retain 180 A in the City Mcs bill; it may be omitted in the Town Mcs bill

9/5

~~Ctes~~

NOTE—Contn. Sheet.

Final Note by the Second Member of Council.

Subject :—

The Mysore Town Municipalities Bill.

44)

In accordance with His Highness' sanction accorded on the 13th October 1931, the general principles of the Bill for the regulation of Town Municipalities were placed before the Representative Assembly at its Session in October 1931.

The Bill duly revised in the light of the discussions in the Representative Assembly was scrutinised and further revised by Mr. Matthan. The Bill as thus revised was circulated and the Dewan suggested a few changes which have been also incorporated in the Bill. The First Member of Council and myself have approved the Bill in its final form. The Statement of Objects and Reasons of the Bill explains the main changes introduced.

I now solicit His Highness' gracious approval to place the Bill before the Legislative Council at the next Session.

MEMBER OF COUNCIL.

Bangalore,
9th May 1932.

Submitted to His Highness.

I submit herewith a Final Note by the Second Member of Council re: the Mysore Town Municipalities Bill

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

9-5-32

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Mysore Town Municipalities Bill.

No 434
9-5-32

Order.

KRW
11/5/32

13/5/32

Secretariat.

Mysore Town Municipalities Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/*after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Genl ..... Department.

7313/13/5

FIRST MEMBER OF COUNCIL. 14/5/32

9547/13/5

SECOND MEMBER OF COUNCIL. 13/5

GENERAL SECRETARY
14 MAY 1932
No. 2819

NOTE.—Contn. sheet

47) To Genl Secy with compliments

48) Print order has already been given in the Leg. Office. The Bill may now be sent to Forts Branch for further action. 14/5/32

6/5/32 14/5/32

Serial No.

Submit with draft forwarding copies of Bill to the Residency.

The following motions are suggested for being included in the 'Agenda' for the next meeting of the Legis. Co.:—

(1) Motion that the Bill be read in Council

(2) Motion that the Bill be referred to a Select Committee.

Mover — Second Member

Seconder — Genl Secy.

The personnel of the Select Committee should also be considered.

Done MSK
19/5

The officials & five non officials may be appointed to the Select Committee.

The following names are suggested for consideration.

Officials

1. Mr. N. Rajaratnam
2. " R. Ranga Rao
3. " M. G. Rancick
4. " J. V. Karve
5. " K. V. Anantaraman

Non-officials

1. Sri. K. P. Pattamanaidu
2. Mr. B. K. Gandachar
3. " P. Subbaramaiah
4. " H. Siddia
5. " B. Abdur Rahman

(Genl Sec)
2nd Member)

6
20/5/32

May be considered later on at the time of the meeting
23/5.

OFFICE OF THE SECOND MEMBER OF COUNCIL
25 MAY 1932
No. 9837

GENERAL SECRETARY.
23 MAY 1932
No. 8037

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

Submitted for orders regarding the draft to the Residency

Done 26/5

Sd/- 26/5

TYPING SECTION 27 MAY 1932 GEN & REV SECTT.

Issued No. Pol. 1241 dt 30.5.32

OFFICE OF THE SECOND MEMBER OF COUNCIL 11 JUNE 1932 No. 10364

To the C. Office for noting the motions & return

Done 8/6

Noted and returned.

9/6/32

Submitted with reference to para 51 supra for consideration of the personnel of the Select Committee

Done 10/6

Second Member) 10/6

We may have the following

Official

1 Mr V. Madhava Rao
2 Mr N. Ranga Rao
3 Dr G. V. Kane
4 Mr K. V. Lakshmanan
5 Mr A. R. Nagarajan Ayar

Non-Official

1 Mr P. Subbarama Chetty
2 Mr D. H. Chandrasekharaiya
3 Mr H. Doddappa
4 Mr ~~H. Channappa~~ K. Changalaraya Reddy
5 Mr B. Abdul Rahman

1 Mr S. P. Rajagopal asked for all three select committees
2 Mr Siddaiya asked for Town Municipalities Bill
3 Mr Bellur Srinivasaiyar asked for Agriculture Bill

20/6/32

11/6

Serial No.	
The Cuyane Town Municipalities Bill	Submitted with draft Calling for a meeting of the S.C. on 25.7.1932 & on the following day as directed Sd/- 5.7.32 Sd/- 5/7/32 Cir No 105-117 dt 6.7.32 The Members of the S.C. states that a meeting will be held at 1.P.M on Monday the 25th inst
Sub file 20.7.32	

TYPING SECTION 5. JUL. 1932 GENL. & REV. SECT.

NOTE—Contn. Sheet.

D. H. CHANDRASEKHARAIYA, B.A., LL.B.,
ADVOCATE AND
MEMBER OF MYSORE LEGISLATIVE COUNCIL,
EDUCATION BOARD AND DISTRICT BOARD.

Perusal

218/P832

DAVANGERE,
Dated 9/7/1932

To,

The Secretary,
Legislative Council
Bangalore

Dear Sir,

I am in receipt of the Official Memorandum dated 6/7/32 convening the meeting of the select committee to consider the Mysore Town Municipalities Bill on Monday the 25th inst and the following day. As the dates now fixed are found very inconvenient, I beg to request you much against my will to change the dates to any of the following. July 27th, 28th, 29th & 30th. and oblige

I have in reply will much oblige

Yours sincerely
D. H. Chandrasekharaiya

Submit for orders. Mr. H. Siddaiya
Some Members requests that the dates may be altered to 27th and 28th inst.
2/7/32

Messrs Siddaiya & Chandrasekharaiya plead inconvenience for 25th & 26. There are 5 other non officials & they have not intimated any inconvenience. If the date is changed they may plead inconvenience

Serial No.

The dates may stand. The meetings are likely to go on on some other dates also & these two members may express their views then

II Member

CL
12/7/32

NOTE.—Contd. Sheet.

OFFICE OF THE SECOND MEMBER OF COUNCIL
12 JULY 1932
No. 425

may be changed to 27th & 28th (the Rev. Cow told me that 25th was a little inconvenient for him)

[illegible] 12/7/32

TYPING SECTION
15. JUL. 1932
GENL. & REV. SECTT.

[illegible] 12/7/32
Hon'ble [illegible] orders in modification
[illegible] 13/7

draft [illegible]
Hon'ble [illegible]
14/7/32.

[illegible] 14/7/32

P 324-36 dt 15.7.32

The Members of the S.C.
Intimates the change of date of meeting from the 25th & 26th inst to the 27th & 28th inst at 1 P.M. on each day.

Date of Meeting 27th at 1 P.M.
[illegible] 23-7-32

Town Municipalities Bill

Serial No.

Pnl-d with a draft G.M. calling for a meeting of the S.C. on the 30th & subsequent days.

Bru 15/8/32 16/8/32

TYPING SECTION 17. AUG. 1932 GENL. & REV. SECTT.

G.M. issued No P1058-70 dt 18.8.32 intimates that the second meeting will be held on 30.8.32 & the subsequent days at 1 P.M.

Sms B
Till 27.8.32

Submd with draft report of the Select Committee with the Bill as amended by them

Bru 12/9 (second Member)

OFFICE OF THE SECOND MEMBER OF COUNCIL 14 SEP. 1932 No. 2077

copies may be sent to members for signature

WD 70—GBPM—60,000—13-8-31.

Submit with a draft forwarding copies of Report to members for approval.

Done 23/9

The report of the S.C. & the Bill as amended will be sent to the Members of the L.C in due course. Under Rule 149 of the L.C. Rules, unless otherwise directed by the S.C the Bill as amended or such portions thereof as may have been amended should be published in the Gazette. The cost of paper alone for publishing the three Bills (as amended) in the Gazette may come to Rs 500 (2000 copies of the Gazette). In these circumstances, the S.C may dispense with the publication in the Gazette.

The draft printed report sent herewith is still in proof. The words "[illegible]" ~~[illegible]~~ as indicated in red ink in para 3 may be added if this suggestion is approved. If deemed necessary, the Committee which meets on the 7th oct may be consulted, as all of the members of the Towns Bill Committee are on this Committee except Mr. Siddiq.

OFFICE OF THE SECRETARY TO GOVERNMENT
1 OCT. 1932
No. 2693

Second Member)

We will talk to the members about it on the 7th

30/9

11/10/32

3/10/32

Serial No.

At the meeting of the Select Committee held on 8.10.32, it was understood that the Bill need not be published.

The direction being the same in both the municipal Bills, after the draft report on the City Municipalities Bill is approved by the Chairman, the paragraphs pertaining to it in the Town Municipalities Bill may be revised & the same got printed & circulated to the members of the S.C for approval

Sd/-

Done 12/10

The city Bill may be edited & sent to the Press early

12/10

Vide Page 65 of notes in Legislative 61 of 31 & 62 of 31

Town Municipalities Bill

General and Revenue Secretariat | File No. of 193 .

Serial No.

Draft Proceedings of the meetings of the S.C held on 27th & 28 July are laid

Done
27/8/32 Second Member)

6
27/8

6
29-8-32

For orders for "A" recording
vide orders in
hgs 62-31-1-6
31/1/35.

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No.

General and Revenue Secretariat

( )

the *193* .

Date of issue .....

Signed by .....
Mr. Rao
Mr. Santing
of Mysore

List of enclosures .....

Copied by .....

Examined by .....

To The Secretary, Govt. Printing

Sir, I am directed to forward herewith a copy of the Mysore Town Municipalities Bill with the statement of objects and reasons and to request that that the matter may be caused to be set in type and forwarded copies of the final proof sent to this office along with the original copy.

The matter may be kindly treated as very urgent

I have etc

WD 71—GBPM—40,000—20-7-31.

AS 7/30 (32) 7/3 Free Stamp

Statement of objects and reasons.

The existing municipal regulation -- which was enacted in 1906 applies to all ~~the~~ city, town and minor municipalities. The desirability of making improvements in ~~the~~ the ~~regulation~~ law relating to municipalities having been suggested at a meeting of the Legislative Council in December 1926, a committee was appointed in February 1928 to suggest improvements to the existing regulation.

The Committee proposed that a separate regulation may be enacted for minor municipalities and that the existing municipal regulation with suitable amendments may apply to city and town municipalities. When the matter was considered in the -- Representative Assembly in June 1931, it was finally decided to have three separate regulations to deal with City, town and minor municipalities respectively. ~~The~~ The present bill relates to town municipalities.

The salient features of the bill are the following:-

(1) The proportion of elected members in town municipal councils is raised from a minimum of one-half to two-thirds of the total strength.

(2) The provisions of the existing regulation have been found to be inadequate to obviate dead-locks in cases when elected presidents and vice-presidents cease to -- command the confidence of a majority of the council. Provision has been made for the

president or the vice-president automatically vacating his office as such ~~on:-~~

(a) on a resolution of no-confidence being passed by a two-thirds majority of the --- council, or

(b) on resolutions of no-confidence being passed by a simple majority twice;

(3.) Municipal Councillors are now -- liable for any misapplication of funds to which they have been a party or which has happened through, or been facilitated by, gross -- neglect of duty. It is considered that -- their responsibility should extend also to cases of loss or waste of money or other property ~~also~~. Councillors who have generally no -- executive functions to perform are made -- liable for loss, waste or misapplication caused directly by their misconduct while the president, vice-president and other -- officers on whom executive functions are imposed or to whom such functions are delegated are made liable for loss, waste or misapplication caused by their negligence -- also.

Power has been taken to direct in the case of elected Presidents, yearly elections with the consent of the municipal Councils concerned

(4.) Audit of accounts by the Government auditor is made compulsory.

(5.) The objections taken in audit by the Government auditor are not disposed of promptly and payments made in contravention of rules or in excess of the powers conferred, remain un-recovered for long periods. Deputy Commissioners are therefore empowered to surcharge persons responsible for -- irregular payments and for deficiency or

loss

loss of municipal money or property.

(6.) Town municipal councils are now required to obtain sanction of Government to their budgets. ~~This obligation~~ has now been ~~dispensed with~~, but power is taken to Government to suitably modify the budget, if necessary, to ensure that proper provision is made for fulfilling the several -- obligations of the Council. With regard to variations of budget provisions also, full power is given to municipal councils; but they cannot, without ~~are required to obtain~~ the sanction of Government, ~~to~~ reduce the estimated closing balance below the prescribed minimum ~~and to~~ or reduce the provisions made for the following :-

(a) payment of instalments of principal and interest in respect of loans contracted by the municipal council,

(b) payment of sums due to Government,

(d) for execution of public works -- carried on by Government on behalf of municipal councils,

(ii) On account of the cost of construction of works of a permanent nature undertaken by Government on its own initiative and of the cost of their management and maintenance; and

(c) payment for maintenance of water supply, dispensaries, schools and other institutions or services managed by Government.

(7) ~~The restriction imposed at present on the Deputy Commissioner not to exercise his powers of control over Municipal Councils specially exempted, without specific pre-~~ There are no Town Municipal Councils which are specially exempted as contemplated in Section 87 of the Existing Act from the control of the Deputy Commr. Hence this section is marked

vious

x but they have been empowered to sanction additional grants without touching upon the prescribed minimum balance, so that the control of Govt in regard to budget sanction is nominal. It is now proposed to dispense with the Deputy Commr's sanction of the budget of Town municipal Councils

Transfer to bottom of page A

previous orders of Government being no longer necessary, the provision in section 180 A of the existing regulation has been omitted in the bill.

(7.) The appointment of chief officers is now left to the discretion of the municipal councils. The municipal councils or the committees in whom the executive administration is now vested can do little more than determine questions of policy and ~~the Government officers who are~~ ex-officio ~~presidents in the majority of these municipalities and the~~ Parliament whether or non-official presidents ~~in a few municipalities~~, cannot in many cases ~~generally~~ spare the time necessary to attend to the details of routine administration ~~be expected to devote minute attention to municipal matters~~. Power has therefore been taken to Government to require any town municipal council to ~~xxxx~~ appoint a chief officer for the municipality. Similarly, power is taken to Government to require any town municipal council to appoint an engineer and a health officer. In order that there may be no clash between the chief officer and the president who is the chief executive officer of the municipality, it has been made clear that the Chief officer should exercise his powers and perform his duties subject to the general control of the president and provision has also been made for the automatic removal of the chief officer under conditions similar to those in which presidents and vice-presidents have to vacate their office when they cease to -- command the confidence of the majority of -- Councillors.

The other main changes made in the bill are the following :-

(1) Constitution:-

For the constitution of town municipalities the minimum population is fixed at five thousand; but it is provided that areas having an annual normal income of ten thousand rupees may also be constituted as town municipalities. ~~The minimum elected element or twon municipal council is raised from one-half to two-thirds of the total strength.~~

In the existing regulation it has been provided that persons who are assessed to municipal taxes, other than octroi and tolls of an amount not less than such minimum as may from time to time be fixed by Government and graduates of any University and advocates of the High Court who have been resident in the municipality for a period of six months shall be qualified to be candidates and voters, and the Government is also given power to prescribe the qualifications of candidates and voters in other cases. It is considered expedient to leave ~~to Government the power to prescribe the~~ the whole question qualifications of voters and candidates ~~in all cases instead of providing for the partially in the regulation and partially in the rules.~~ same but only the parenthesis unchanged here.

The publication of the municipal election roll every year is unnecessary. It is proposed instead that the election roll may be prepared and published once in three years opportunity being afforded to persons newly qualified to have their names enrolled in the meantime. Provision has been made for the

the termination of the disqualifications to become councillors after the lapse of three years. Power has been taken to make rules for requiring candidates at elections to make deposits. ~~and~~ vaxati~~ons~~ complaints in regard to the validity o f elections are minimised by requiring ~~that~~ any candidate who stood for election or any ten persons qualified to vote at the election should apply to the Judge and deposits should accompany the applications to the judge, and provision has been made for appeals to the High Court from the orders of the judge.

(2) Presidents and vice-presidents.

Municipal councils are given the option to decide whether they should have a vice president or not.

vacation of office by Boards these presidents and vice-presidents ~~who are not appointed ex-officio~~ has ~~been made in the bill.~~ // Presidents and vice-presidents cannot at present be removed from their office even though they are arrested for debts. In order that the administration of municipal councils may not be brought into contempt, power is taken to Government to remove elected and nominated presidents and vice-presidents from office, if they are under arrest or imprisonment in execution of a decree of any court for payment of money or if an order of attachment in execution of such a decree has been made and is substituting against their property.

Chief Officers exercise certain executive powers of the municipal council even without any delegation by municipal councils. In ~~some~~ municipalities which have no chief officers the president cannot exercise these powers in the absence of delegation by the municipal council and it is possible for the municipal councils in some cases to paralyse the municipal administration by vesting the executive powers in themselves or delegating

them to committees which may not function promptly and properly. In order to generally facilitate executive administration in municipalities, ~~that~~ where there are no chief officers provision has been made ~~for~~ for the presidents ~~exercising~~ exercising the powers ~~that might be exercised by~~ of Chief Officers.

The duties performed by the vice-presidents are not uniform in all municipalities. To define more definitely the powers of the vice-presidents power is taken to Government to pass special or general orders in this behalf.

(3) Meetings of municipal councils.

To prevent undue delay in summoning special meetings duly requisitioned, power is given to the vice-president or one-third of the whole number of councillors to call for a special meeting, if the president does not call the meeting for a date not more than fifteen days after the presentation of the requisition.

(4) Liabilities of municipal councillors presidents, vice-presidents and municipal

~~servants.~~

(4) Liability of municipal servants

Municipal councillors are now liable for any misapplication of funds to which they have been a party or which ~~xxx~~ has happened through or been facilitated by gross neglect of duty. It is considered that their responsibility should extend to cases of loss or waste of money or other property also. Councillors who have generally no executive functions to perform are made liable for loss, waste or misapplication caused directly by their misconduct while the president, vice-president and other officers on whom executive functions are imposed or to whom such functions are delegated are made liable for loss, waste or misapplication caused by their negligence also. To prevent sudden strikes and dislocation of municipal work in connection with conservancy and other essential services, it is considered expedient to require the employees to give a month's notice before resignation and to make such omission penal.

(5) Functions of Municipal Councils.

Promotion of economic development and preparation of lists of children of compulsory age for purposes of elementary education have been removed from the list of obligatory duties, while provision for anti-rabic treatment has been included in the list. Making arrangements for the destruction, detention and preservation of dogs has been transferred from the list of discretionary duties to that of obligatory duties. In order to provide for adjustment of functions as circumstances may require, power is taken to Government to declare in regard to any municipal council that any of its obligatory duties be deemed to be discretionary ones. The purposes for which the municipal fund may be spent at the discretion of the municipal councils are also amplified by the additions among others of the following: -

(a) Provision of accommodation for municipal servants and grant of loans to such servants for construction of houses.

(b) Provision of music.

(5) Promotion of public health and infant welfare.

(d) Organisation of maintenance during scarcity of shops or stalls for the sale of necessaries of life.

(b) Taxation.

The levy of tolls on animals is discontinued and the maximum rates of tax leviable on motor vehicles which are ~~xxx~~ at present inadequate has been raised to Rs.60/- in the case of busses and lorries and to Rs 40/- in the case of motor cars weighing 15 cwts and more. ~~which the rate of~~ the maximum tax on carts, processions

trades and callings has been reduced from Rs 100 to Rs 50 a year.

~~In order to obviate frequent reference to municipal councils when exemption from municipal taxes is considered expedient,~~ power is taken to Government to grant and define exemptions from municipal taxation by issue of orders in exceptional cases. Provision has been made for composition of tolls, as there is no specific provision for this in the existing regulation. To minimise inconvenience incidental to the levy of octroi, power is given to the munic

councils to compound payment of octroi and in lieu of levying octroi, power is also given to municipal councils to levy terminal taxes.

The provision in the regulation that the assessment list should be completely revised not less than once in every four years is not observed in most of the municipalities. The enforcement of this provision and the creation of an agency for ~~assisting~~ assessing taxes independent of the municipal councils is necessary to prevent loss of municipal revenue and to strengthen the finances of the municipal councils. It is accordingly proposed to appoint for each municipality an officer for assessing taxes imposed in the form of a rate on buildings and lands. The revising authority to hear objections in regard to assessment is left as at present. Decisions of Magistrates on appeals from notices of demand are not now subject to revision. Provision for revision in these cases has been made in the ~~Bill~~ bill.

~~(4) Regulation of buildings.~~

(7) Regulation of ~~g~~ buildings.

In regard to new buildings of which notice is given, the municipal councils are empowered to impose (without any special authorisation by the Government as at present) conditions as to materials, dimensions and cubical contents of rooms, doors and windows, and to the number of storeys to be erected or the purpose for which the building is to be used. The municipal councils are also empowered ~~to~~ in respect of new buildings on sites not laid out by the municipal council or a competent authority to issue orders (which shall not be in force for more than six months) directing that the building shall not ~~xxxxxxxxxx~~ be proceeded with until ~~all~~ questions connected with the location of the building and streets are ~~settled~~ decided.

(8) Sanitation.

In the interests of sanitation it is considered necessary to empower municipal councils to regulate the construction of tanks and ponds and to deal with collections of water which are likely to be breeding places of mosquitoes.

~~This will~~ ~~As it is necessary that expert~~ --- Officers of Government ~~should enter upon and inspect immovable properties of municipal councils or institutions under their~~ control and works in progress, power has been taken to Government to authorise any officer of Government to exercise the -- powers of entry, inspection, etc., now vested in the Deputy Commissioner.

The existing regulation ~~does not require Government to hear the municipal council concerned before it passes orders on the Deputy Commissioner's order~~ suspending ~~the~~ resolutions of municipal councils. Provision has been made in the bill to afford opportunity to the municipal councils to show cause against the order of the Deputy Commissioner before Government passes final orders ~~in such matters.~~

The several ~~xxxx~~ provisions empowering Government to make rules which are scattered in the existing regulation have been incorporated in a single clause and power has been taken to Government to make rules for generally carrying out the purposes of the regulation.

Provision has also been made :

(a) for Government cancelling rules or by-laws of municipal councils after giving opportunity to the municipal councils concerned to explain, and

(b) for Government delegating its powers under the regulation to an officer subordinate to Government.

Transfer from para 3 A

Notes on clauses.

Clause 2.

The definitions have been arranged alphabetically.

Clause 12(2) (b) (i) - This removes a doubt as to whether a councillor having an interest in the sale to the municipal council ~~in the purchase~~ of an article of value less than that fixed by the municipal council and voting for the sale of the same is disabled from continuing in office. An addition has been made so as to cover any personal interest whatever the amount may be.

Clause 12 (2) - last para - It is not expedient to allow a member who has lost his seat for absenting himself from meetings to stand as a candidate at a by-election held to fill his seat.

Clause 14 - It is desirable to give the councillor who is proposed to be removed an opportunity of being heard and to hold an enquiry, if necessary.

Clause 19 - Provision has been made for the publication of the names of presidents and vice-presidents in the official gazette.

Clause 21. This provides for barring

civil suits in respect of appointment or removal of councillors, presidents or vice-presidents unless they are specially provided for.

Clause 22. (5) - Salaried servants of the Government are made ineligible for election as presidents and vice-presidents and power is taken to Government to appoint ~~them~~ Presidents & V.P's in default of election.

Clause 22 (6). This authorises the Deputy Commissioner or the person performing the duties of the Deputy Commissioner or the Amildar or the person performing the duties of the Amildar, as the case may be, to perform the functions of the president during vacancies in the office of the president and when there is no vice-president to carry on the executive functions.

Clause 22 (7). As the discretion to have a vice-president is given to the municipal council, leave in the case of the vice-president may be granted by the municipal council.

Clause 22 (9). This prevents the same person from being both the president and vice president.

Clause 25. The responsibility as regards custody of records is fixed by this clause.

Clause 26. In cases in which the Deputy Commissioner or the Amildar is an ex-officio president of the municipal council, the vice-president is authorised to perform the duties of the president when the office of the Deputy Commissioner or the Amildar is vacant. ~~Power is also taken to Government to issue orders so as to define the duties of the vice-president definitely.~~

Clause 27 (3) - As councillors may be absent from home when notice of a meeting is circulated, provision is made for giving them due intimation of the time and place of the meeting. The proviso to the sub-clause makes it clear that a motion or proposition which a councillor proposes to move at a meeting should relate to matters connected with the municipal administration.

Clause 27 (7). A smaller quorum for conduct of business at meetings and a small quorum for adjourned meetings are prescribed. Provision is made for allowing some time before a meeting is

adjourned for want of a quorum. As it ~~is not~~ ~~desirable to go on~~ business at adjourning meetings ~~and~~ ~~disposing of business at such meetings, provision~~ may be disposed of by a small quorum, provision has been made for lapse of subjects not disposed of at the first adjourned meeting.

Clause 27 (11) and (12). These sub clauses prohibit ~~commissioners~~ councillors and presiding officers ~~having~~ who may have a pecuniary interest in any subject under consideration from voting or presiding during the discussion of such subjects.

Clause 27 (16). This obviates the amendment of the regulation whenever the necessit is felt for giving the right of addressing the municipal council to any ~~other~~ class of officer ~~is felt.~~

Clause 29. A general provision for formation of committees has been made and ~~such~~ special provision for managing, economic, executive and constitutive committees has been omitted

Clause 32. (1) This provides for the calling of meetings of committees in the absence of the chairman.

Clause 32 (3). The quorum is lowered from one-half to one-third of the members of the committee

~~Committee~~.

Clause 33. The provision for disposal of business of municipal councils by circulation has been omitted as unnecessary.

Clause 37. The provision for joint levy of octroi as in sections 39 and 81 of the existing regulation is omitted as unnecessary.

Clause 38 (2). It is expedient to control free grant of immovable property land whatever may be the value. As The value of lands and sites has increased considerably of late, the limit of value of land which a municipal council may dispose of without reference to Government has been raised from Rs.200 to Rs.1000.

Clause 38 (4). At present sanction of the Municipal Council is necessary for the purchase of or sale of moveable property costing more than Rs.100- It is proposed to raise this limit to Rs.1000/-

Clause 38 (5). There is no provision for insisting on inviting of tenders for supply of materials or for execution of works. This ~~It~~ is now done in respect of materials or work of the value of more than Rs.200. It is also proposed to limit the powers of the municipal ~~councils~~ in the case of tenders ~~involving~~ involving large tenders.

committee.

Clause 33. The provision for disposal of business of municipal councils by circulation has been omitted as unnecessary.

Clause 37. The provision for joint levy of octroi as in sections 39 and 81 of the existing regulation is omitted as unnecessary.

Clause 39. This regularises the present practice under which the Public Works Department and other Departments of Government carry out works on behalf of municipal councils.

Clause 40. This brings the law for compulsory acquisition of lands for municipal purposes into line with the provisions of the Mysore District Boards Regulation and the Mysore Village Panchayet Regulation.

Clause 42. It is undesirable to disqualify municipal employees who bona fide acquire interest in land held on a municipal lease, by inheritance, gift, bequest or even as members of a joint Hindu family. The existing disqualification in such cases is removed and municipal employees are allowed to

[See page 12 for fair copy]

Clause 38 (2).—It is expedient to control free grant of immovable land whatever may be the value. The powers of Municipal Councils require enhancement within reasonable limits. The value of lands and sites has increased considerably of late, the limit of land value which a Mcll may sell without reference to Govt has been raised from Rs 100 to Rs 1000

Clause 38 (4).—The existing limits of power are unduly low. They require to be raised.

Clause 38 (5).—There is no provision for insisting on inviting of tenders for supply of materials for execution of works. It is also necessary to limit the powers of the Municipal Councils in the case of tenders involving large amounts.

This is not a mere matter of measurement respecting the value of work has been raised from Rs 100 to Rs 1000

Clause 38 (4). The present limit of the Mcll is necessary for the purchase of a small movable property cost more than Rs 100 for which it is limit of Rs 100

purchase sites for building purposes or to sell their lands to the muncipal council when required for public pruposes without incurring any disability.

Clause 47. It has been made clear that a muncipal council cannot introduce ~~exemptpi~~ exemptions, suspend, modify or abolish any existing tax without publishing the notice required by clause 62 and without following the procedure laid down in that section.

Clause 48 (1) (b). The purposes for which by-laws may be made prescribing the conditions on which licenses may be granted etc., are limited to what are abolutely necessary and the restriction in section 48 of the existing regulation that by-laws should not be made in respect of certain businesses without special permission of the Government has been removed as unnecessary.

Clause 48 (1) (h).—Provision is made for numbering and registration of all vehicles liable to municipal taxation.

Clause 48 (1) (h) this empowers Municipal Councils to fix terminal tax limits as in the case of octroi and to regulate the method of recovery of such tax.

Clause 48 (1) (j). This empowers municipal councils to take effective measures for regulating the management of open parks and open spaces under their control.

Clause 51. The provision in clause (b) of the pro

of the proviso to Section 51 of the existing Regulation as regards special trusts is omitted as unnecessary.

Clause ~~67~~ 61.

As regards vehicles, it is made clear that the liability to taxation arises only in the case of those kept within municipal limits for use.

Clause ~~23~~ 67 This provides for cases when the name of the person primarily liable to pay property taxes cannot be ascertained and facilitates recovery of taxes in such cases.

clause 70.

Clause 70

Provision is made for the levy of taxes on new or reconstructed buildings for the remainder of the year in which they are constructed.

Clause ~~24~~ 77. Remission of tax in case of vacancies is logically admissible only where the property is rated on its letting value. Not less than two-thirds of the tax or instalment may be remitted instead of one-half as at present when the property is vacant.

Clause ~~25~~ 78 (2). There is no provision in the existing regulation for recovery of a fee from persons who unauthrisedly use municipal land etc., The clause enables the municipal councils to prescribe a higher rate of fee in such cases by way of penalty.

Clause ~~100~~ 90 (3). It is desirable that the notice of demand should be served on the person

clause 95. This removes inaccuracies in section 85 of the existing regulation.

liable only if a bill has been presented.

Clause 101. Provision has been made for the lease of land which is not required for a public street etc.,

Clause 109 (3). The period of three months during which the building should not be proceeded with in consequence of a provisional order under the existing regulation is too long and it is reduced to one month.

Clause 109 (4) and (5). The proviso to sub-section (4) of section 96 of the existing regulation is omitted and a new sub-clause has been inserted for prescribing a time limit for commencement of buildings.

Clause 117 (2). Under section 107 of the existing regulation, municipal councils have power to ~~require owners to~~ demolish or close belonging to private persons but have no power to require the owners to do so - this defects ~~privies. It is necessary to give the municipal councils this~~ power in order to recover the cost ~~wfx from the owners~~ expenses incurred

Clause 130 (1). Steps over drains being very necessary in order to give access to houses, they are excepted from the operation of the sub-clause.

Clause ~~168~~. This gives ~~larger~~ powers to the municipal council to prohibit cultivation of certain crops in the interests of sanitation.

Clause ~~[illegible]~~ 146. The clause accords with sub-clause (1) (b) of clause 48 ~~and~~ so as to require the taking out of licenses for the purposes for which by-laws may be framed by municipal councils.

Clause ~~147~~ 147 (3). There is no provision in the existing regulation for leasing the collection of rents of slaughter-houses, etc., and Clause ~~[illegible]~~ 78 (4) aythorises a lease in respect of only fees levied. This clause regularises a practice which is very common and convenient.

Clause ~~[illegible]~~ 152. The power of inspection is extended to instruments for weighing and the Chief Officer and the health officer have been given power to inspect weights and measures and instruments for weighing.

Clause ~~[illegible]~~ 153. The powers specified in sub-clause (2) are limited to those that are absolutely necessary for prevention of dangerous diseases in town municipalities and instead of these powers being conferred by the Government specially as in section 144 of the existing regulation, power is given to municipal councils to exercise them ~~automatically.~~ without special authorisation

Clause ~~[illegible]~~ 157. Provision has been made for the abatement of nuisances from quarries and cart-stands.

Clause ~~[illegible]~~ 164. Power of entry into or upon any building or land for the purposes of the regulation is specifically given to the

Provision is made for taking assistants also.

Clauses ~~196~~ 165 and ~~197~~ 166. In cases of disagreement as to the amount of costs or expenses to be paid under the regulation it is considered unnecessary to authorise a panchayet to determine the amount payable, as such amount is already known or can be easily ascertained in the municipal office. In cases not otherwise specifically provided for, the amount of costs or expenses may be determined by the municipal council when compensation or damages are payable under the regulation and the Assistant Commissioner in charge of the taluk in which the municipality is situated may determine the amount payable in cases of disagreement.

Clause ~~198~~ 167. Power is given to the municipal councils to prosecute for violation of rules also under the regulation.

Clause ~~206~~ 175. For the notice required to be given before a suit is instituted against a municipal council, etc., the period is raised from one to two months. Suits for ~~recovery of immoveable property~~

property are excluded

from the operation of the provision requiring the institution of suits within six months of the date of cause of action.

Clause 182. The Government auditor is given power to get the required information for audit purposes.

Clause 188. There is no express provision for the regular submission of administration reports. The clause supplies the omission.

Clause 193. The clause provides for control of execution of public works and recovery of cost when works are undertaken by Govt agency on behalf of municipal councils.

Clause 199(2). This removes a doubt as to whether the decisions under the section may be revised by civil courts.

Clause 204. This confers on Government officers and others taking lawful action on behalf of or in default of municipal councils, powers to contract and extends to them the same protection which is conferred on the municipal authorities.

uniformity in respect of items on which taxes and tolls are levied and other matters incidental thereto, it is considered desirable to take power to Government to prescribe rules and to limit the powers of municipal councils.

Clause 200 (2)(f). Provision is made for payment of compassionate gratuity to the surviving relations of municipal employees

Clause 206. The duties of the Chief Officer are defined specifically and clearly.

Clause 207. The sections under which the chief officer may act independently have been thoroughly revised and his powers have been enhanced.

Clause 209. The powers of appointment of the chief officer are limited to posts in inferior service.

Clause 201

This confers on Government officers and others taking lawful action on behalf of, or in default of, municipal councils, powers to contract and extends to them the same protection which is conferred on the municipal authorities.

85

8/4/32

8/4/32

Appendix F G—1]

SUBJECT .....

.....

.....

Section Legis
File No. 61-31
Serial No. 1

Diary No. of letter replied to .....

No Pol. 1241 E/2

To The Secy to the Hon'ble the Resident

General and Revenue Secretariat

( )

the *193*

Date of issue 30/5/32

Signed by Mr R. R

Sir,

I am directed to forward herewith two copies of the Bill to make certain provisions for the management of Temple affairs in Towns to-gether with the Statement of Objects and Reasons explaining the scope and object of the measure and to state that it is proposed to introduce the Bill at the meeting of the Legislative Council to be held on the 20th of June 19

I have etc

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7-31

Form 19/5

for Chief Secy to Gt

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions deleted by the Committee are enclosed in square brackets and portions added are printed in italics.

MYSORE TOWN MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE MANAGEMENT OF MUNICIPAL AFFAIRS IN TOWNS IN MYSORE.

Whereas it is expedient to make better provision for the management of municipal affairs in towns in Mysore, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be cited as the Mysore Town Municipalities Regulation, 19 **Short title.**

(2) It extends to the whole of Mysore. **Local extent**

(3) It shall come into force on the first day of.... **Commencement.**

2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to town municipalities. **Repeal.**

Provided that—

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments; **Saving clause**

(*b*) all town municipalities constituted, municipal councillors appointed or elecetd, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to town municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Regulation, unless there be something repugnant in the subject or content— **Interpretation section.**

(1) "Amildar" includes a Deputy Amildar.

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(6) "judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff.

(7) "land" shall include land which is built upon or covered with water.

(8) "municipal council" shall mean the council of a town municipality.

(9) "municipality" shall mean any local area which is at present a town municipality and any local area which may hereafter be constiuted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town municipality.

(10) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property.

(11) "octroi" shall include a terminal tax.

(12) "official year" shall mean the year commencing on the first day of July.

(13) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to the owner sufficient to defray the expense of doing the act required.

(14) "prescribed" means prescribed by any rule made by the Government under this Regulation.

(15) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(16) "public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds, or

which under any provision of this Regulation becomes a public street.

(17) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(18) "street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(19) "taluk" includes a "sub-taluk."

(20) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(21) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public street.

(22) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation of town municipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall from a date to be specified in the notification, cease to be a municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the municipal council in every town municipality already existing and of every town municipal council newly constituted under this Regulation, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

[Special provision in regard to] Conversion of *city and minor* municipalities *into town municipalities* [from one class to another.]

5. (1) The Government may at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any minor municipality as defined in the Mysore Minor Municipalities Regulation, 19 , which contains a population of not less than five thousand inhabitants or which has an annual normal income of not less than ten thousand rupees or a city municipality as defined in the Mysore City Municipalities Regulation, 19 , shall, with effect from a date to be specified in the notification be deemed to be a town municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Minor Municipalities Regulation, 19 , or the Mysore City Municipalities Regulation, 19 , as the case may be, shall not apply to any municipality delcared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, *by-law* or form made, issued or imposed under the Mysore Minor Municipalities Regulation, 19 .., or the Mysore City Municipalities Regulation, 19 .., in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, *by-law* or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, *by-law* or form made or issued under this Regulation or such other law.

(4) Before any city or minor municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalities

6. (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a town municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses; or

(ii) to constitute any town municipality in any area of which the population is less than five thousand [or of which the annual normal income is less than ten thousand rupees.]

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Naming of municipalities comprising two or more places.

7. (1) Not less than two months before the publication of any notification declaring any local area a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the Official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

Town Municipalities.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Constitution and incorporation of town municipal councils

9 (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

(*a*) elected councillors;

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf,

by the Government

Municipal Councils to consist of elected and nominated councillors.

(2) The number of elected councillors shall not be less than [two-thirds] *three-fourths* of the whole number of councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

in specified proportions.

Provided that when a president appointed by Government under clauses (*a*) and (*b*) of sub-section (2) of section 23 [22] or when a president elected under clause (*d*) of the same sub-section is not a councillor, the [two-thirds] *three-fourths* of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Any vacancy due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding

anything in this Regulation contained, be filled up by nomination by the Government.

Government may determine the number of councillors; fix proportion of elected and nominated councillors.

10. The Government shall, from time to time, generally or specially, for each municipal council—

(a) determine the number of councillors;

(b) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated

(c) fix the number of councillors to be elected in the municipality and by the several constituencies, if any; and

(d) issue orders for regulating the description, number and extent of constituencies for election of councillors

Operation of lists.

11. (1) When in accordance with the rules made under clause (b) of sub-section (2) of section 204, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(a) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll;

(b) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction;

(c) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard;

(d) no change in the election roll shall be made under provisos (b) and (c) within one month preceding the date fixed for an election.

Right to vote to depend on entry in roll.

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

enrolment in municipal election roll necessary for elected councillor.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor expires.

Representative of associations.

Provided that if any company, body corporate or other association of individuals is enrolled in the municipal election roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a councillor.

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

12. (1) No person may be a councillor—

(*a*) (*i*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, o-

(*ii*) [who is a person] aganist whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*iii*) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*iv*) who has a legal practitioner whose sannad has been withdrawn by the High Court, or

(*v*) who has been removed from office under section 14 of this regulation or section 14 of the Mysore City Municipalities Regulation, 19.., or under section 14 of the Mysore Minor Municipalities Regulation, 19.., or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a judge

and no person

(*e*) who is a subordinate officer or servant of a municipal council, or

(*f*) who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*g*) *who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council, may be a member of such municipal council.*

Provided that—

(*a*) the disqualification in sub-clause (*ii*) of clause (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses, (*i*), (*iii*), (*iv*) and (*v*) of clause (*a*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted ,or

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

[(*v*) being professionally engaged on behalf of the municipal council as a legal practitioner, or]

(*v*) [(*vi*)] having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of Government, may fix in this behalf, or

(*vi*) [(*vii*)] having a share or interest in the occasional letting out on hire to the municipal council or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities from continuing a councillor.

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub clauses (*i*), (*ii*), (*iii* or (*v*) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(*ii*) in which he is professionally interested on behalf of a principal or other person, or

(*iii*) in which he is engaged at the time in any proceeding against the municipal council, or

[(*c*) departs beyond the limits of Mysore with the declared or known intention of absenting himself continuously for a period exceeding six months, or]

(*c*) [(*d*)] by becoming a salaried servant of Government causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in sub-section (2) of section 9, or

(*d*) [(*e*)] not being a salaried servant of the Government absents himself from the meetings of the municipal council, during four successive months except with the leave of the municipal council, *provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months* or

(*e*) [(*f*)] fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him.

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under [clauses (*a*) to (*d*) and (*f*) of] this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power Government to decide whether a vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and

such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving [a] notice in writing to that effect, to the Deputy Commissioner and [If], such resignation [is accepted it] shall take effect [from the date on which the intimation of such acceptance reaches the office of the president] *on the expiry of ten days from the date of the notice.*

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office

15. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 202, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as [it] conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under clause (*a*) of section 10, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as Government may in this behalf notify in the Official Gazette.

Re-eligibility of councillors.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors and presidents and vice-presidents in the Official Gazette.

9. The names of all councillors finally elected to any municipal council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed presidents and vice-presidents shall be published as soon as conveniently may be, in the Official Gazette.

(4) *Municipal Elections.*

Determination of validity of elections; enquiry by judge; Procedure.

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*d*) of sub-section (2) of section 23, [22,] any candidate who stood for election or any ten

persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the District Judge of the district within which the election has been or should have been held for the determination of the validity of the election.

(2) The District Judge or such other judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, shch portion if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Judge sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

EXPLANATION.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Promise of individual profit.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrynig out the rules made under clause (*b*) of sub-section (2) of section 204 or clause (*d*) of sub-section (2) of section 23 [22] or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Mere irregularities and infomalities not to invalidate election.

EXPLANATION.—The expression 'error' in this [clause] *sub-section* does not include any breach of or any omission to carry out or any non-compliance with the provisions of this regulation or rules made thereunder whereby the result of election has been materially affected.

(6) If the Judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 19 , or under the Mysore Minor Municipalities Regulation, 19 , for a term of years not exceeding seven and the Judge's decision shall be conclusive :

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Bar of suits relating to elections etc.

(5) *Municipal Government.*

22. [23.] Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

Municipal Government to vest in municipal Council.

(6) *Presidents and Vice-Presidents.*

23. [22.] (1) For every municipal council there shall be a president, and if and whenever the municipal council so desires, a vice-president.

Every municipal council to have a president and if the municipal council so desires, vice-president.

(2) The president may be—

President to be appointed or elected.

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected [except when appointed by Government.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

Salaried servants of Government ineligible for election.

(5) No salaried servant of the Government shall be eligible for election as president or as vice-president of any municipal council, and the election of any such servant in contravention of the provisions of this sub-section shall be void. If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be may be appointed by the Government

When Deputy Commissioner and Amildar may perform functions of President.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of municipalities at district head-quarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a period exceeding two months and every vice-president who, for a period exceeding one month shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a president appointed by the Government.

(*b*) by the municipal council in other cases.

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (*c*) or (*d*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (*a*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by [appointment or] election [as the case may be,] of some other councillor thereto.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by vice-president on becoming president.

(10) Every president other than [an official President] *a salaried servant of the Government* appointed *ex-officio* or by name and every vice-president of a municipal council shall forthwith be deemed to have vacated his office.

Vacation of office by president and vice-presi dent for want of confidence.

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose ; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts ;

Removal of presidents and vice-presidents.

EXPLANATION.—A person may be presumed to be unable to pay his debts if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this regulation, cease on the expiry of his term of office as councillor.

Term of office of president and vice-president.

Provided that in the case of elected Presidents *or vice-president or both*, the Government may in special cases, with the consent of the municipal councils concerned, direct *that their term be limited to one year and that elections be held every year*. [elections every year.]

(13) In the event of the non-acceptanec of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Vacancies in their office how to be filled up.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly [salary] or allowances as such municipal council may sanction from time to time with the approval of Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of Government [salary] or allowances to any Government officer who is appointed as president. [or vice-president.]

Remuneration of president and vice-president of municipal council.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 46 to regulate the conduct of business at such meetings ;

(*b*) watch over the financial and executive administration of the municipal council ;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this regulation ;

(*d*) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides ;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council ; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ;

(*f*) furnish to the Deputy Commissioner or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council ; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the Assistant Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 192.

(2) In a municipality for which there is no chief officer, the president shall, notwithstanding anything contained in chapter XIII and independently of such executive functions as are allotted to him by, or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a chief officer in the municipality.

Custody of records.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange or the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (*a*) sub-section (1) of section 24 ; and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner or the Amildar has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in sections 9 and 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

Conduct of Business

(1) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council:— **Provisions in regard to meetings of a municipal council.**

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings. **Ordinary general meetings.**

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request. **Special general meetings**

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting: **Notice to be given of meetings.**

rovided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Regulation.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council. **meetings to be held at municipal office.**

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24. **[Every.] Meeting how presided over in the absence of the president and vice-president.**

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private :

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Numbeof councillors required to form a quorum.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought *up* before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

[What] Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or propostion to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Governmnet officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting,in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such disucssion.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Adjournments of meetings.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution [supported] *passed* by not less than one-half of the whole number of councillors [and passed] at a gneeral meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council.

Certain Governm nt officers may attend meetings of municipal councils.

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Muncipal council may require the presence of certain of the said officers at their meetings.

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy

or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

Rights and privileges of individual councillors.—

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advice on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Regulation, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of conucillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties etc. of such persons.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

When Chairman to be *ex-officio*.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

When no *ex-officio* chairman, municipal council may appoint Chairman

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall at each meeting which such chairman does not atetnd [as chairman,] appoint from its members a chairman for such meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members.

If there is no chairman, *ex-officio* or appointed by the municipal council.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee."

Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof.

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Committees shall meet when they think proper.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Number of members required to form quorum at committee meetings.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Procedure by circular.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of sectoin 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Propositions when to be sent to Government officers for remarks.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

Decisions how to be taken on propositions circulated.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book. [kept under sub-section (9) of section 27.]

And how to be recorded

34. (1) Every committee shall conform to any instructions that may from itme to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

(3) *Delegation of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under chapter XIII or on any committee by or under section 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

(4) *Validity of Proceedings.*

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

Joint committees of two or more municipal councils.

37. A municipal council may from time to time join with any other municipal council constituted under this Regulation or under the Mysore City Municipalities Regulation, 19 , or the Mysore Minor Municipalities Regluation, 19 , or with any district board, or with more than one such municipal council or board,

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which

they are jointly interested, and in appointing a chairman of such committee;

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

38. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding one thousand rupees in value the previous sanction of the Government is required.

(3) In the case—

Sanction by resolution at general meeting requisite to validity of certain contracts.

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction of municipal council when requisite in other cases.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

When tenders should be invited.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding two hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds five thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

Sanction by committees and individuals empowered.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 54 and chapter XIII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum, provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid

(7) *Compulsory acquisition of lana.*

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regluation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council, of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, [the chief executive officer] the chief officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been *caused or facilitated by his* misconduct.

2. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Saving clause.

43. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

Penalty for councillor officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interests in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interets such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees

44. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Notice to sweepers and scavengers before discharge.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Penalty for withdrawal of sweepers and scavengers without notice.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Application of sub-section (1) and (2) to other municipal servants.

45. (1) Every municipal councillor, officer or servant every auditor appointed under section 184 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to

Councillors, etc., to be deemed public servants.

be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BY-LAWS.

Municipal councils to make rules.

46. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 204 and may from time to time alter or rescind them—

Regulating the conduct of business.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment.

(*b*) (i) determining, the executive functions to be performed by the president, vice-president, the chairman of any committee, or the chief officer and the delegation of any of its powers or duties to such persons;

(*ii*) *the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated them under section* 35;

For general guidance of municipal servants;

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

Fixing the amount of the security to be furnished;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

Granting leave to municipal servants;

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Contributing to provident funds.

(*g*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants;

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licenses or permissions granted under section 78, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons

authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 92 shall be held;

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted.

For writing off amounts due and remitting fees.

Provided that—

(*i*) no rule made or any alteration or rescission of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government.

Approval required to rules.

(*ii*) [Provided further that] no municipal council shall, unless with the assent of Government dispense with the service of any officer transferred from the service of Government to the service of the municipal council or employed partly by Government and partly by the municipal council or finally dispense from the service of the municipal council any officer transferred from the service of the municipal council to the service of Government.

47. (1) Subject to the requirements of [the] *proviso* (1) to section 46, every municipal council may, except as otherwise provided in clause (*b*) of the *proviso* to section 81, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

Power to suspend, reduce or abolish any existing tax

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

48. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Regulation—

Power to make by-laws.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For markets and slaughter houses, etc.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

For licensing, regulating and inspecting certain businesses.

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 158;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters;

(v) as a place for the preparation or manufacture of oil; or

(vi) for any other purpose for which the taking out of a license is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious offensive, or dangerous effect arising or likely to arise therefrom;

Regulating the stalling of cattle, etc.

(c) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

For regulating dairies and cattle-sheds.

(d) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

Milk-stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

For inspection of weights and measures

(e) for the inspection of instruments for weighing and weights and measures under section 153 [152];

For the registration of births, etc.

(f) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective;

Regulating the disposal of the dead.

(g) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

For enforcing information as to epidemics.

(h) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections *154 and 155*; [153 and 154];

For enforcing information as to liability to municipal taxation.

(i) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(j) for the numbering and registration of any vehicle liable to taxation under this Regulation;

Octroi by laws.

(k) fixing octroi limits and stations; Providing for the exhibition of tables of octroi; requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

(*l*) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax; Terminal Tax

(*m*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not; For protecting water.

EXPLANATION.—Sources and means of water-supply shall include private wells which are used by the public.

(*n*) regulating the use of public bathing and washing places within municipal limits; Regulating public baths, etc.

(*o*) regulating sanitaion and conservancy; For conservancy.

(*p*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 58; For constructing houses for the poor.

(*q*) regulating the disposal of carcasses of dead animals; For the disposal of carcasses.

(*r*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health; Regulating structures and buildings.

(*s*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose For regulating construction or use of buildings. [For grain shops and stores and for regulating, construction of use of buildings so that they may not be a source of nuisance in residential localities, etc.]

(*t*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets; For providing for streets.

(*u*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air; For ensuring ventilation.

(*v*) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not; Control of drains.

(*w*) determining the information and plans to be required by the municipal council under section 109; Requiring information and plans in certain cases.

For controlling unwieldy traffic.

(x) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

Public parks

(y) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

For licensing factories, the use of steam whistles, etc.

(z) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Regulation, 1914, or for the use of whistles and trumpets, operated by steam, machanical means or electricity in factories or other places for the purposes f summoning or dismissing workmen or persons employed;

[Regulating municipal administration] *General.*

(aa) [(z)] generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Rules and by-laws to be printed and sold.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in Kannada shall be kept on sale at cost price.

CHAPTER V.

Municipal Property and Fund.

50. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality. **Power to acquire and hold property.**

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee subject to the provisions and for the purposes of this Regulation; that is to say— **Property vested in the municipal council.**

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots; [and public buildings of every desrciption].

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewtih, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine. **Power to Government to resume property.**

51. All money received by or on behalf of the municipal council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or leved by it under this Regulation; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section; **Municipal fund.**

Provided that nothing in this section, or in the last preeding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trus **Provision as to special trusts.**

Application of municipal fund.

52. [The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in sections 55, 56 and 58, to all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

Application of municipal fund and property.

The municipal fund and all property held by or vested in the municipal Council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in Sections 55, 56 and 58 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Power to deposit and invest surplus funds.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1) be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

54. A municipal council may in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

Duties of municipal councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :-

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property,

which are open to the enjoyment of the public, whethe such spaces are vested in the municipal council or belon to the Government;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 135 [134] of this Regulation;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(*r*) housing and maintaining destitute orphans and destitute cripples;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

56. Subject to such reasonable provision as is mentioned in section 55, every municipal council shall make reasonable provision for the following special matters, namely:—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of these sections or may, declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

Discretionary powers of expenditure of municipal council.

58. Municipal councils may, at their discretion provide out of the said property and fund, either wholly or partly, for—

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to about on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(*e*) granting loans to encourage local arts and industries;

(*f*) planting and maintaining roadside and other trees;

(*g*) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*h*) making a survey;

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 158; [157;]

(*j*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*k*) establishing and maintaining a farm or factory for the disposal of sewage;

(*l*) providing music for the people;

(*m*) the promotion of public health or infant welfare;

(*n*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life;

(*o*) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(*p*) by a resolution passed at a general meeting and supported by [two-thirds] *one-half* of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality; and

(*q*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or *the advancement of the economic condition of the inhabitants or* which is necessary for the carrying out of this Regulation expenditure wherein is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for and unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal

property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

60. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

Management of public institutions maintained by municipal councils to vest in it.

CHAPTER VII.

Municipal Taxation.

(1) *Imposition of taxes.*

61. Any municipal council—

Taxes which may be imposed.

(*a*) after observing the preliminary procedure required by section 62, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under sedtion 63, the Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI, that is to say,—

(*i*) a rate on buildings or lands or both situated within the municipality;

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use;

(*iii*) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding;

(*iv*) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein;

(*v*) a terminal tax on goods imported or exported from the terminal tax limits:

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time

(*vi*) a tax on dogs kept within the said municipality;

(*vii*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

(*viii*) a general sanitary cess for the construction or maintenance or both construction and maintenance, of public latrines, and for the removal and disposal of refuse;

(*ix*) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case;

(*x*) a lighting tax;

(*xi*) a tax on arts, professions, trades and callings and on offices and appointments;

(*xii*) a tax on shops and other places where a business or profession is carried on for purpose of profit,

payable by the person or persons engaged in the business or profession

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*xi*) in respect of the business or professions carried on in the shop or place;

(*xiii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (*a*) of section 62.

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja;

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax,

assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing tax.

62. A municipal council before imposing a tax shall observe the following preliminary procedure :—

(*a*) it shall, by resloution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61 and prepare rules for the purposes of clause (*h*) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(*i*) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make ;

(*ii*) the amount or rate at which the municipal council Proposes to assess each such class ;

(*iii*) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed ;

(*iv*) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the municipal council ; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given :

Provided that—

(*a*) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and,

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under [the first] proviso (i) to section 46, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates.*

Appointment of assessor.

65. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Regulation and shall bear all expenditure incidental thereto.

Preparation of an assessment list.

66. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated ;

(*b*) the designation of the property, either by name or by number, sufficient for identification ;

(*c*) the names of the owner and occupier, if known ;

(*d*) the annual letting value or other valuation on which the property is assessed ; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both ;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

67. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Occupier liable for a rate on buildings or lands or both until he gives information.

68. When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment list.

69. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Public notice of time fixed for revising assessment list.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government the municipal council may delegate this function.

Revising authority.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Objections how to be made.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

Hearing of objections.

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Authentication of list.

(6) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Custody and inspection of list

(7) Subject—(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

Authenticated list how far conclusive.

(*b*) to the result of any appeal made under section 96,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

70. (1) The [revising authority] *municipal council* may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 69, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 96, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

New assessment list need not be prepared every year.

71. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 68, 69 and 70 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year

Tax from whom primarily leviable.

72. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely:

(a) if the property is let, from the lessor;
(b) if the property is sublet, from the superior lessor;
(c) if the property is sublet, from the person in whom the right to let the same vests:

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Recovery from occupiers.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Remedy of occupier in such case.

73. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

74. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

Form of notice.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Regulation, 1903.

75. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Name of transferee to be substituted in the municipal registers.

76. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 97 for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies; when obligatory.

77. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fee for certain licenses.

78. (1) When any license is granted by the municipal council under this Regulation, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such license or permission.

levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (*a*) of sub-section (1) of section 48 for the use of any such places mentoined in that sub-section, as belong to the municipal council.

Framing of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of

which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Composition of to

79. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such persons would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

[Composition of octroi.]

[(2) The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force, for a lumpsum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall, however, be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned.]

Recovery of sums claimed under this section.

(2) [(3)] Every sum claimed by the municipal council as a lumpsum payable under sub-section[s] (1) [and (2)], shall for the purposes of chapter VIII be deemed to be, and shall be recoverabe in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Power of Government to suspend or prohibit levy of objectionable taxes.

80. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the official gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

81. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 195 [192] or under section 197 [194] or for the performance of any duties in respect of which it shall have been declared under section 200 [197] to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62 :

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this [sub]section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly

(5) *Octroi and tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

82. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

83. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

84. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall *on conviction by a magistrate* be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

85. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid shall be liable, on conviction before a magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees whichever may be greater; and

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such article not exceeding two hundred rupees in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

Searches and arrests to be governed by the provision of the Criminal Procedure Code.

86. Every municipal council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Tables of tolls to be shown on demand.

87. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of schedule XII.

Power to seize vehicle on non-payment of octroi or toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Notice of sale.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Release of property on payment.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

88. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls

89. (1) It shall be lawful for the municipal council to lease *annually* the levy of any toll that may be imposed under this Regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 87; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

90. (1) When any amount—

(*a*) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 87, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have beocme due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(2) Every such bill shall specify—

Contents of bill.

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of schedule X, or to the like effect.

In what cases warrant may issue.

91. (1) If the person on whom a notice of demand has been served under section 90, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, if any, why he sholud not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 96 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by the chief officer, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 19 , or under the Mysore Minor Municipalities Regulation, 19 , or in a place which is not a municipality constituted under the aforesaid Regulations, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the taluk as the case may be; provided that such president or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance.

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject

to the following conditions, exceptions and exemptions, namely :—

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint a written notice in the form of schedule XII.

Sale of goods distrained in special cases.

92. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipa council.

Distraint and sale outside the municipality.

93. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority

by whom it was issued, who shall dispose of the same in accordance with the provisions of section 92.

Summary proceedings may be taken against persons about to leave the municipality.

94. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

Fees and costs chargeable.

95. Fees for—

(*a*) every notice issued under sub-section (3) of section 90,

(*b*) every distress made under sub-section (5) of section 91, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 92.

Appeal to magistrates.

96. (1) Appeals against any notice of demand issued under sub-section (3) of section 90, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor *or the Municipal Council, as the Case may be,* within the time fixed in the notice given under section 69 or 70 of the assessment or alteration thereof, according to which the bill is prepared.

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 90, to the municipal council within fifteen days next after the presentation of such bill, and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

Liability of land buildings, etc., for rates.

97. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 72, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which

such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

suspension of power to recover by distress and sale.

98. The Government may at any time by notification suspend the operation of sections 91 and 92, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 170 [167] for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

99. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(I) *Powers in respect of streets.*

Temporary closure of streets.

100. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Regulation.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Power regarding street, etc.

101. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to contruct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

(2) In lying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

The regular line of public street.

102. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public streetwithin the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the *Official Gazette* and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment ;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice ; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (*a*) Except under the provisions of section 123, [122] no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 168, [165] shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees ; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings etc.,*

Setting back projecting buildings

103. (1) If any part of a building projects beyond the regular line of a public street ~~either as existing or as determined upon for the future~~, as prescribed under section or beyond the front of the building on either side thereof, the municipal council may,

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular

line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 168, [165], shall be paid by the municipal council to the owner of any land added to a street under sub-section (1), or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 128 [127] applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 128, [127] the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

104. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

105. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

106. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the municipal council. **Power to require removal of roof and wall if inflamable.**

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction. **Penalty.**

107. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council. **Level of building.**

108. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building. **Rat-proof building for warehouse for storing grain.**

109. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 103 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 102 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used **Notice of new buildings.**

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the municipal council may **Power of municipal council to pass orders.**

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location

of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (*c*)—

(*i*) shall apply only to buildings on sites not laid out by the municipal council or other competent authority ; and

(*ii*) shall not be in force after six months from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with. or

(*b*) may demand further particulars.

Right to Proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say :—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4). [And no person to whom permission to erect or alter or add to any building has been granted before the date on which this sub-section comes into force shall be entitled to commence such work after the expiry of one year from such date.]

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may—

(*a*) direct that the building, alteration, or addition be stopped, and

(*b*) by written notice, require such building alteration or addition to be altered or demolished, as it may deem necessary.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or re-construction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

110. (1) *Notwithstanding anything contained in section* 109, *the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;*

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by it in each case or prescribed generally.*

(3) *Whoever erects any building contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2) *shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.*

(4) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conidtions imposed under sub-section* (2).

Regulation of huts.

111. [110.]. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

112. [111.] (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down

under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 168 [165.]

(3) *Powers connected with drainage, water works, etc.*

Municipal control over drains, etc.

113. [112.] (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

Powers for making drains.

114. [113.] (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 168 [165] shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

115. [114.] (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and decription, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off,

the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

116. [115.] The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Provision of privies, etc.

117. [116.] (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

118. [117.] (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may by written notice require the owner to demolsih or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order

119. [118.] The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped— **Power in respect of sewers, etc., unauthorisedly constructed, re-built or un-stopped.**

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees

120. [119] (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit. **Encroachment on municipal drains, etc.**

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as it may think fit.

121. [120.] The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be. **Inspection of drains, etc.**

122. [121.] The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipalit **Power of carrying water mains, etc.**

(4) *Powers regarding external structures, etc.*

123. [122.] (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or **Permission necessary for certain projections.**

basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section [165] 168.

Troughs and pipes for rain water.

124. [123.] The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc. to houses.

125. [124.] The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

126. [125.] (1) The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous

place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Removal and trimming of hedges, trees, etc.

127. [126.] The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health safety and convenience.*

Ruinous or dangerous buildings.

128. [127.] (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper [hoard] *hoarding* or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not being to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due deligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured.

proviso if danger is n imminent.ot

Provided always that if the danger be not of hourly imminence it shall be at the discretion of the municipal council, instead of itself causing a [hoard] *hoarding* or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper [hoard] *hoarding* or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a [hoard] *hoarding* or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such [hoard] *hoarding* or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

129. [128.] (1) The municipal council may at any time by written notice require that the owner of or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water-supply is in the opinion of the municipal council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use, for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy or non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

130. [129.] (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal

lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstruction and encroachments upon public streets and other

131. [130.] (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obsturction or encroachmet of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 123, [122,] or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

132. [131.] (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction danger or inconvenience in any street, shall before beginning such work

(*a*) first obtain a license in writing from the municipal council so to do, and

(*b*) cause sufficient [hoards] *hoardings* or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such [hoard] *hoarding* or fence standing and in good condition to the satisfaction of the municipal council during

such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

133. [132.] (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

134. [133.] (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision as to dogs.

35. [134.] (1) The municipal council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog

has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing dust, etc.

136. [135.] (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at as such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

137. [136.] Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

138. [137.] Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy buildings, etc.

139. [138.] (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise,

suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

40. [139.] It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Abatement of nuisances from wells, etc.

141. [140.] (1) If in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(*i*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(*ii*) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

142. [141.] The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipailty is injurious to the public health may, with the previous sanction of the Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage cause to them by absolute prohibition.

143. [142.] Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees. **Using offensive manure, etc.**

144. [143.] (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees. **Tethering cattle, etc.**

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees. **Keeping swine.**

145. [144.] Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees. **Feeding animals on filth.**

146. [145.] (1) It shall be lawful for the municipal council to publish by a notification in the *official gazette* that no place within municipal limits shall be used for burning bricks [for other than trade purposes] without a license from the municipal council and except in accordance with the conditions specified therein; **Licenses to be taken for burning bricks [for other than trade purposes].**

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

147. [146.] (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (*b*) of sub-section (1) of section 48 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases **Licensing markets slaughter-house and certain businesses.**

2). Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate

shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing and letting of markets and slaughter-houses.

148. [147.] (1) The municipal council may from time to time open or close any pubilc market or slaughterhouse. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease *for a period not exceeding one year at a time* by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc. beyond municipal limits.

149. [148.] It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

150. [149.] (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behlaf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the official gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners

of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognised by such pharmacopœia are dispensed upon prescription.

Uncertificated person dispensing drugs.

151. [150.] (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 150 [149], shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 150, [149] fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-sections shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the *official gazette* by the Government.

[Search for and inspection of] Unwholesome articles of food and drink.

152. [151.] (1) The president or any person authorised by the municipal council in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (5).

(5) If any animal, article or drug is brought before a magistrate under sub-section (4), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights and measures and instruments for weighing.

153. [152.] The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

Powers which may at any time be exercised.

154. [153.] (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be the prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cuase which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council

(*e*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*f*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council [under] by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punisl ed with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep or goats.

155. [154.] If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if tl.e introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the out-break or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

156. [155.] (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to presrcibe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten

rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Closing places for disposal of the dead.

157. [156.] (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the *official gazette* and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

158. [157.] (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used

(*a*) for boiling or storing offal, blood, bones or rags;
(*b*) for salting, curing and storing fish;
(*c*) for storing hides, horns or skins;
(*d*) for tanning;
(*e*) for the manufacture of leather or leather goods;
(*f*) for dyeing;
(*g*) as a brick, pottery or lime kiln;
(*h*) for soap-making;
(*i*) for storing hay, straw, fodder, wood, coal or other combustible material;
(*j*) as a quarry;
(*k*) as a cart-stand;
(*l*) for storing grain for trade purposes;
(*m*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished

with fine which may extend to two hundred rupees, and with further fine, which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in a municipality in which bye-laws under section 48 (1) (b) (iii) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Factories in crowded Localities.

159. (1) *In any municipality to which by a notification in the official gazette this section is made to apply by the Government no person shall establish in any premises, any factory, as defined in the Mysore Factories Regulation,* 1914, *without the previous written permission of the municipal council.*

(2) *The municipal council my refuse to give such permission if it be of opinion that the establishment of such factory, in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.*

(3) *Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.*

Uuse of siren or whistle for summoning or dismissing workmen.

160. (1) *In any municipality to which by a notification in the official gazette this section is made applicable by the Government no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.*

(2) *The municipal council may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee.*

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) *Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.*

Brothels.

161. [158.] In any municipality to which, on the application of the municipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a

brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of noitces, etc., addressed to individuals.

162. [159.] (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family ; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Services of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Regulation requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Public and general notices how to be published.

(4) No notice or bill shall be invalid for defect of form.

Defective form not to invalidate notice or bill.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 169. [166]

163. [160.] Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Punishment for disobedience of orders and notices not punishable under any other section.

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

164. [161.] (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as to the municipal council may deem fit.

Municipal council in default of owner or occupier may execute work and recover expense.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every

Power to levy charges on occupier, who may deduct the same from his rent.

amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

165. [162.] Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any, occupier opposes the execution of the Regulation.

166. [163.] If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may aslo, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Regulation.

167. [164.] It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such

assistants as he may deem necessary, into and upon any building or land.

Provided that, except when herein otherwise provided no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determination of compensation in certain cases.

168. [165.] (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Costs or expenses how determined and recovered.

169. [166.] If a dispute arises with respect to any costs or expenses which are [by this Regulation] directed to be paid, *by any person under this chapter*, the amount, and if necessary the apportionment of the same shall, save where it is otherwise expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

CHAPTER X

Prosecutions, Suits and Powers of Police.

Municipal council may prosecute.

170. [167.] (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Regulation or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

171. [168.] A municipal council may—

Power to compound Offences.

(*a*) compromise with any person who in the opinion of the municipal council has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder;

(*c*) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation for distraint, etc.

172. [169.] No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful though defective in form.

173. [170.] No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

174. [171.] If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

175. [172.] In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

176. [173.] (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Regulation.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

177. [174.] For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

178. [175.] (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of Police officers.

179. [176.] (1) Any police officer may arrest any person committing in his view any offence against any of the porvisions of this Regulation, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgetted for.

180. [177.] Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, [and the balance of the municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality,] provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Regulation or the rules made thereunder to make ;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*c*) sums which the municipal council is required or empowered by this Regulation to pay by way of compensation ;

(*d*) every sum payable—

(*i*) under sections *195 and 203* [192 and 199] by order of the Deputy Commissioner and under sections *196, 197, 198, 200 and 203* [193, 194, 195, 197 *and* 199] by order of the Government;

(*ii*) under a decree or order of a civil court passed against the municipal council,

(*iii*) under a compromise of any suit or other legal proceeding or claim ;

(*e*) expenses incurred in the exercise of power conferred by clause (*a*) of section 56 and sections 154 and 155 ; [153 and 152].

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation of accounts.

181. [178.] (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimate.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Regulation or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under sections *196 and 197*, [193 and 194] and of all contributions, for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than [the sum fixed under section 177] *such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.*

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

182. [179.] If in the course of the official year the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section [178] 181, and

(*b*) the closing balance shall not be reduced below the sum fixed under [section 177] *clause (d) of sub-section (3) of section 181.*

Maintenance of accounts and restrictions on expenditure.

183. [180.] (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts

184. [181.] (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon, [or if the auditor is a Government auditor, then] *and in the case of a Government auditor* such charges as may be prescribed by the Government.

Powers of Government auditor.

185. [182.] The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control, of any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

186. [183.] (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Municipal council to remedy defects.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

187. [184.] (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of Deputy Commissioner.

188. [185.] Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or ben served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

189. [186.] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed

to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.*

190. [187.] The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct. Transmission of accounts to Government.

191. [188.] (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct. Annual administration report.

(2) [The president shall prepare the report; the municipal council shall consider the report and forward it to the Deputy Commissioner with its resolution thereon.]

The President shall prepare the report and place it before the Municipal Council for consideration, and forward it to the Deputy Commissioner with the resolution of the Council thereon.

(3) The report [shall] *may* be published in such manner as the municipal council, subject to the approval of the *Deputy Commissioner* [Government], may direct.

CHAPTER XII.

CONTROL.

192. [189.] (1) The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power— Powers of inspection and supervision.

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any municipal council in such taluk.

Deputy Commissioner's power of inspection of offices of municipal councils.

193. [190.] The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of suspending execution of order, etc., of municipal Councils.

194. [191.] (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

195. [192.] (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or do it shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section [191] 194 shall apply, so far as may be, to any order made under this section.

Agency for execution of Public Works.

196. [193.] (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for

tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Sı vision in regard to works executed by Government.

197. [194.] (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time *after consulting the municipal council.*

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, *or* safety [or convenience] of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation;

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

Government inquiry into municipal matters.

198. [195.] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters:—

(*a*) discovery and inspection,
(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,
(*c*) compelling the production of documents,
(*d*) examining witnesses on oath,
(*e*) granting adjournments,
(*f*) reception of evidence taken on affidavit, and
(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

EXPLANATION.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are, to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

199. [196.] (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Government may require any town municipal council to appoint a health officer or an engineer.

(2) It shall be lawful for the Government—

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be a chief officer shall be invested by any such municipal council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 211 [207];

(iv) to require that all or any of the powers referred to in section [153] 154 shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties in default of municipal council.

200. [197.] (1) When the Government is informed on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on

behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

201. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

Power of Government to direct person in custody of municipal fund to pay Government dues.

202. [198.] (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and *may dissolve such Municipal Council or* supersede it for a period to be specified in the order.

Power of Government to *dissolve or* supersede muncipal council in case of incompetency default, or abuse of powers

(2) When the municipal council is so *dissolved or* superseded the following consequences shall ensue :—

Consequences of exercise of such power.

(*a*) all councillors of the municipal council shall, [as from the date of the order] *in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession,* vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period *between dissolution and reconstitution or* of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period *between dissolution and reconstitution or* of supersession, vest in the Government.

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(*i*) *in the case of dissolution on the date specified in the order, or*

(*ii*) *in the case of supersesion, on the date specified in the order under sub-section* (1) *or sub-section* (4), *as the case may be.*

(4) [(3)] If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council

Power after enquiry to continue period of supersession.

[(4) The municipal council shall be re-established by the election or appointment of new councillors under the provisions of this Regulation applicable thereto—

(*a*) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

b) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the municipal council.]

Government is of opinion that" are substituted and after the words "as the case may be, and" the words "may dissolve such municipal council or" are inserted.

(*b*) In line 1 of sub-clause (2) between the words "so" and "superseded" the words "dissolved or" are inserted.

(*c*) In sub-clause 2 (*a*) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(*d*) In sub-clause (2) (*b*) and sub-clause (2) (*c*) after the word "period" the words "between dissolution and reconstitution or" are inserted.

(*e*) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted :—

"(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted :—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be."

Clause 228 [226] (2).—Consequent on the insertion of clause 49 (*b*) (ii) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., is provided by inserting in para (*c*) of the sub-clause the letter and brackets "(*b*)" between the words "clauses" and the letter and brackets "(*c*)," and para (*e*) of the sub-clause is omitted.

We consider that the power to make rules prescribing taxes, etc., should remain with the municipal council and that the Government need not have this power. Accordingly we have deleted the letter and brackets "(*h*)" from sub-clause (2) (*c*), and transposed the word "and" before "(*g*)."

Para (*h*) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government officers has to pass is considered unnecessary and deleted.

Disputes between a municipal council and one or more oca l authorities.

203. [199.] (1) If any dispute for the decision of which this Regulation does no otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled—

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council [of a town municipality] or a village panchayet or a minor municipal council as defined in the Mysore Minor Municipalities Regulation in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of Government to make rules and orders.

204. [200.] (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(*b*) (*i*) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(*ii*) for prescribing the qualifications of voters and of candidates;

(*iii*) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give;

(*iv*) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(*v*) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll;

(*vi*) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited;

(c) for the regulation of all or any of the matters specified in clauses (b), (c), (e), (f), (g) and (h) of section 46;

(d) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council;

(e) as to the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and their powers and duties and;]

(e) [(f)] for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and for prescribing the conditions under which any gratuties, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants;

(f) [(g)] as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(g) [(h)] for the proper management and maintenance of any work constructed under section 197 [194] and for the regulation of all matters and things connected therewith;

(h) [(i)] as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(i) [(j)] as to the transfer to municipal councils the management of any institution not otherwise provided for by this Regulation;

(j) [(k)] as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass;

(k) [(l)] for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(l) *for the regulation of all matters connected with the grant of permission under section* 110;

(m) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the Official Gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to cancel or modify by-laws and rules of municipal councils.

205. [201.] (1) The Government may at any time by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council.

Provided that before taking any action under this sub-section the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

206. [202.] The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

207. [203.] In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

208. [204.] When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal auhority.

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF OFFICERS.

Appointment of chief officer

209. [205.] (1) Any municipal council may, and when required by the Government by an order in this behalf shall within such time as may be fixed therein, appoint a chief officer for the municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(a) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(b) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office

of chief officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

210. [206.] The chief officer shall—

Duties of chief officer.

(*a*) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under, this Regulation ;

(*b*) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors ;

(*c*) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property ;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon ; and

(*e*) subject to the rules prescribed in this behalf under section 204 [200] and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of section 24 and in clause (*e*) of the same sub-section in regard to the officers and servants of the municipal council.

Power of chief officer

211. [207.] The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Regulation :

(*a*) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Regulation, other than licenses for markets or slaughterhouses ;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, with-hold or withdraw any license in any case in which he is empowered as aforesaid to grant give a license, and in which the municipal council may ider the provisions aforesaid suspend, with-hold or with-aw such license ;

(*c*) he shall receive and recover and credit to the unicipal fund all fees payable for licenses and permissions anted or given by him under the powers aforesaid ;

(*d*) he may subject to the control of the president d to the provisions of section 38—

(*i*) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(*ii*) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions, by written tice, give such written consent or permission, issue such lers and prohibitions, and exercise all such powers as

may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 74,
section 78, sub-sections (2) and (3),
section 83,
section 87, sub-sections (3), (4) and (5),
section 89, proviso to sub-section (2),
section 90,
section 91,
section 92,
section 94,
section 96, sub-section (3),
section 107,
section 109, sub-sections (2), (3) and clause (a) of sub-section (6),
section 111, [110]
section 113, [112]
section 116, [115]
section 120, [119] sub-section (1),
section 121, [120]
section 124, [123]
section 125, [124]
section 127, [126]
section 128, [127]
section 129, [128]
section 130, [129]
section 131, [130]
section 132, [131]
section 133, [132]
section 134, [133]
section 135, [134]
section 136, [135]
section 137, [136]
section 139, [138] sub-section (1),
section 140, [139]
section 143, [142]
section 147, [146] sub-section (3),
section 152, [151]
section 153, [152]
section 154, [153] sub-section (2),
section 162, [159] and
section 163, [160.]

Chief officer's powers of appointment and punish-

212. [208.] The chief officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant.

Provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief officer may make explanations at meetings.

213. [209.] The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

SCHEDULE A.

Enactments Repealed.

(See section 2.)

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Mnuicipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE I.

[Section 61, Clauses (i) ,(vi) to (x) and (xiii).]

Maximum rates of taxes other than Octroi, terminal tax, taxes on vehicles and animals, tolls, taxes on arts, professions, trades and callings and shop tax.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both.	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use there with as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*).	
(*a*) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(*b*) In other municipalities	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.

Taxes.	Maximum rates.
B. Tax on dogs ..	One rupee per head.
C. Special sanitary cess ..	Rates that may be notified by the Government from time to time.
D. General sanitary cess ..	Do do
E. Water rate or water rates ..	[Do do] *Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.*
F. Lighting tax	One-third of the rate leviable under item A.
G. Other taxes leviable under clause (xiii) of section 61.	Rates to be fixed by the Government in each case.

SCHEDULE II.

[Section 61, Clauses (iv) and (v).]

MAXIMUM RATES OF OCTROI AND TERMINAL TAX.

Taxes.	Maximum rates.
A. Octroi.—	
Class I.—Articles of food or drink for men or animals	Rs. a. p.
Cocoanuts, fresh	0 0 1 each.
Cocoanuts, dry	0 8 0 per maund of 960 tolas.
Betel-leaves ..	[0 0 2] per bundle of 100 leaves.
	0 0 1
Sugar	0 4 0 per maund of 960 tolas
Jaggory	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do do
Butter	0 6 0 do do
Oats	1 0 0 per cent ad-valorem.
Bran	1 0 0 do do
Chaff	1 0 0 do do
Class II.—Animals used for slaughter.—	
Sheep and goats	0 2 0 per head.
Class III.—Oils and oil-seeds	
Kerosine oil	0 2 0 per tin.
Other oils	0 2 0 per maund of 960 tolas weight.
Oil-seeds	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings.	
1. Timber.—	
(a) Teak, honne and black wood.	4 0 0 per ton of 50 cubic ft.
(b) Timber of other kinds	2 0 0 do do
2. Chunam or lime ..	0 4 0 per cart load.
3. Roofing tiles (Mangalore pattern).	1 9 0 per cent ad-valorem.
Class V.—Tobacco	4 0 0 per Maund of 960 tolas
Class VI.—Piece goods and other textile fabrics and manufactured articles of clothing and dress.	0 0 3 per rupee ad-valorem.
Cass VII.—Metals .	1 9 0 per cent ad-valorem.
Class VIII.—Other articles which are not specified above and which may be approved by the Government by an order in this behalf.	2 0 0 do do
B. Terminal Tax	Rates to be fixed by the Government from time to time.

SCHEDULE III.

[See section 61, Clause (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly Rs.	a.	p
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ..	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more	40	0	0
For every motor car weighing less than 15 cwts.	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See Section 61, Clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the motor vehicles rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled c ge on springs other than a jutka.	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

SCHEDULE V.

[Section 61, Clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :– (i) carrying on business as a company ; (ii) abkari renters, wholesale and retail traders, and manufacturers of every kind contractors auctioneers and commission agents ; (iii) bankers, money-lenders, money-changers and pawn-brokers ; (iv) editors and proprietors of newspapers ; (v) brokers and dealers in securities, shares or bills of exchange; (vi) practising barristers, advocates, high court vakils, solicitors, attorneys, pleaders, and law agents ; (vii) practising medical practitioners of all kinds including hakims and vaidyans ; (viii) dentists and veternary surgeons ; (ix) architects and civil engineers ; (x) owners and farmers of markets and toll-farmers ; (xi) keepers of hotels, lodging houses, or boarding houses ; (xii) builders and surveyers ; (xiii) owners of mills, warehouses, printing presses, oil-presses, cotton presses and other presses and factories of all kinds ; (xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers ; (xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages; (xvi) artizans.	Rs. 50

CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards	25

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12

CLASS IV.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards	8

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards	4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards 1

NOTE.—The foregoing classification is subject to the following provisos, namely:—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

[See section 61, clause, (xii)]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. For each shop per year	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit. For each place per year	30	25	20	10	4	2

SCHEDULE VII.

[See clause (b) of section 62.]

Notice is hereby given to the inhabitants of the municipality of .....that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.....of the sanctioned rules.]*

*To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objctions in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of section 62 are to be appended here.]

SCHEDULE VIII.

[See section 74.]

Form of notice of transfer to be given when the transfer has been effected by instrument

To the president of the municipal council

I. A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 19....., of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

[See section 74.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the municipal council.

I. A. B. hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 19.... , of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE X.

[See sub-section (3) of section 90.]

FORM OF NOTICE OF DEMAND.

To

A, B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from ....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the..... day of.....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at.....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed,)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of section 91.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of.... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number

*Here cribe t

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 91 of the Mysore Town Municipalities Regulation, 19....., the goods and chattels of the said A. B to the amount of , being the amount due from him, as follows:—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 ,

(Signed.)

President (or as the case may be), see section 91 (2).

SCHEDULE XII.

[See clause (*c*) of sub-section (5) of section 91 and sub-section (1) of section 87.]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

Here describe the tax

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax .....mentioned in the margin for the period commencing with the day of 19 and ending with the day of 19 together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19

(Signature of Officer executing the warrant. / collecting octroi. / collecting toll.)

INVENTORY

(Here state particulars of goods and chattels distrained.)

WD 61o—GPB—Mono—270—24-11-32

SCHEDULE X.

[See sub-section (3) of section 90.]

FORM OF NOTICE OF DEMAND.

To

A, B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from ....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the..... day of.....19. , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at.....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed,)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of section 91.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of.... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 91 of the Mysore Town Municipalities Regulation, 19....., the goods and chattels of the said A. B to the amount of , being the amount due from him, as follows:—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 ,

(Signed.)

President (or as the case may be), see section 91 (2).

SCHEDULE XII.

[See clause (*c*) of sub-section (5) of section 91 and sub-section (1) of section 87.]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

*Here describe the tax

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19

(Signature of Officer executing the warrant. / collecting octroi. / collecting toll.)

INVENTORY

(Here state particulars of goods and chattels distrained.)

WD 616—GPB—Mono—270—24-11-32

Section

File No.

Serial No.

Diary No. of letter replied to Conc. No. P 105-117

~~To~~ Vide list

General and Revenue Secretariat

( )

the *193*

Date of issue 6/7/32

Signed by Mr. C. S. Dyer

Member, Leg. Legislative Council

A meeting of the S.C. to consider the Mysore Towns Municipalities Bill, will be held in the Chambers of the Second Member of Council, Public Offices, Bangalore at 1 P.M. on Monday the 25th inst. and on the following day

By Order

Secretary to the Select Committee

List of enclosures

Copied by

Examined by

Copy with list of Members to (1) office for directly making the necessary seating & lunch arrangements

(2) P.A. to the Second Member

(3) 4) L.S.G. Branch

WD 71—GBPM—40,000—20-7-31.

Bpm 5.7.32

PERSONNEL OF THE COMMITTEE FOR THE
TOWN MUNICIPALITIES BILL.

Rajamantrapravina K.MATTHAN (Chairman)

Mr. S.P.Rajagopalachari.
Mr. N.Madhava Rao
Mr. R.Ranga Rao.
Mr. J.V.Karve.
Mr. K.V.Anantaraman.
Mr. A.R.Nageswara Aiyar.
Mr. P.Subbarama Chetty.
Mr. D.H.Chandrasekharaiya.
Mr. H.C.Dasappa.
Mr. K.Changalaraya Reddy.
Mr. B.Abdur Rahmon
Rajasabhabhushana K.R.Srinivasa Iyengar.

Mr. Siddaiya.

55

GENERAL SECRETARY
11 JULY 1932
PRO

SHIMOGA,

Dated, 8th July 1932.

From

H. Siddaiya, Esq., B.A., LL.B.,
Member, Mysore Legislative Council,
SHIMOGA.

To

The Secretary,
Select Committee, General & Revenue
Secretariat, BANGALORE.

Sir,

With reference to your Official Memorandum No.P.105-117, dated 5th/6th instant, intimating that a Meeting of the Select Committee to consider the Mysore Town Municipalities Bill will be held on Monday the 25th and 26th instant, I beg to state that as the said dates will not suit me. And may I request you to let me know whether the date of meeting could be altered to 27th and 28th instant?

A line in reply will highly oblige to enable me to adjust myself to attend the meeting.

I beg to remain,
Sir,
Your most obedient servant,

H Siddaiya

MEMBER,
MYSORE LEGISLATIVE COUNCIL,
SHIMOGA.

11/7/32

Section

File No.

Serial No.

Diary No. of letter replied to ..... CM No. P 324-36

To The Members of the S.C

General and Revenue Secretariat

( )

the 193

The meeting of the Select Committee appointed to consider the Mysore Town Municipalities Bill will be held in the Chambers of the Second Member of Council, Public Offices, Bangalore at 1 P.M on Wednesday the 27th inst and on the following day instead of on the 25th & 26th insts as notified already in item No P 635-47 of 6.7.1932

Date of issue 15/7/32

Signed by Jas C. S. Dyer

List of enclosures .....

By Order

Copied by .....

Sec. to the S.C

Examined by .....

Copy to C.B. P.A. to Members &c

Office of L.S.G. Dr

WD 71—GBPM—40,000—20-7-31.

Dr
4/7

D. O.

GOVERNMENT OF MYSORE

GOVERNMENT ADVOCATE'S CHAMBERS,

PUBLIC OFFICES,

Bangalore,...26th July.....19 32.

Dear Mr. Subrahmanya Iyer,

As there is an important Criminal Appeal (appeal in Mr. V.S.Sanjeeva Rao's Defamation Case) for hearing before the Sessions Judge tomorrow, I am afraid I may be somewhat late in attending the Select Committee Meeting to be held at 1 p.m., tomorrow. I, therefore, request you to kindly bring this to the notice of the Chairman and oblige.

Yours sincerely,

C. Subrahmanya Iyer, Esq., B.A., B.L.,
Under-Secretary to Government,
Bangalore.

PERSONNEL OF THE COMMITTEE FOR THE TOWN MUNICIPALITIES BILL.

Rajamantrapravina K. Matthan, (Chairman)

P Mr. S. P. Rajagopalachari. P

P " N. Madhava Rao. P

P " R. Ranga Rao. P

P ". J. V. Karve. P

" K. V. Anantaraman. P

" A. R. Nageswara Aiyar.

" P. Subbarama Chetty. P

" D. H. Chandresekharaiya. P

" H. C. Dasappa. P

" K. Changalaraya Reddy. P

" B. Abdur Rahmon. P

Rajasabhabhushana K. R. Srinivasa Iyengar. P

Mr. Siddaiya. P

PERSONNEL OF THE COMMITTEE FOR THE TOWN MUNICIPALITIES BILL.

Rajamantrapravina K.MATTHAN (Chairman)

Mr. S.P.Rajagopalachari.

Mr. N.Madhava Rao

Mr. R.Ranga Rao

Mr. J.V.Karve.

Mr. K.V.Anantaraman.

Mr. A.R.Nageswara Aiyar

Mr. P.Subbarama Chetty.

Mr. D.H.Chandrasekharaiya.

Mr. H.C.Dasappa.

Mr. K.Changalaraya Reddy.

Mr. B.Abdur Rahmon

Rajasabhabhushana K.R.Srinivasa Iyengar.

Mr. Siddaiya.

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. (Vide list of Members of S.C.)

~~To~~ G.M. NOP-1058-70

General and Revenue Secretariat

( )

the *193*

Date of issue .....

Signed by .....

The Second Meeting of the S.C. to consider the Nigaon Town Municipalities Bill will be held in the Chamber of the Second Member of Council, Public Offices, Kangan at 1.P.M. on Tuesday the 30th Aug 1932 and on the following days at the same hour till the Bill is fully considered.

By order

List of enclosures .....

Sd/-

Secy to the S.C.

Copied by .....

Copy to (1) Cols for kindly making the necessary booking & lunch arrangements

(2) D.A. to Member

(3) L.C. Office

Examined by .....

(4) L.S.G. Dept

Proceedings of the Select Committee appointed to consider the Mysore Town Municipalities Bill at the meeting held on the 27th and 28th July 1932

Mr.Nageswara Iyer was present on the 27th July 1932 but he could not attend the meeting on the following day. All the other members were present on both the days. Clauses 1 to 26 of the Bill were scrutinised and passed with the changes noted below:-

Clause 4(4). The revision of the wording of the sub clause in order that the assets etc, in the case of Town Municipalities converted into City or minor municipalities may devolve on the Municipal Councilsof the latter was reserved for consideration.

Clause 5(1). The marginal note was changed into "conversion of city and minor municipalities into town municipalities."

Clause 5(3). The Committee considered that byelaws in force in municipalities should also continue to have force therein even after the change into town municipalities and consequently after the word "rule" in each of the three places where is occurs in the sub-clause, the word "bye-law" was inserted.

Clause 6(1). In the case of areas which are not already minor municipalities, it will not be practicable to ascertain the amount of income before the rates of taxes etc to be imposed are letermined by the municipal councils. The

words "or of which the normal annual income is less than ten thousand rupees" in para 2 of the proviso to the sub-clause, should therefore be omitted.

Clause 9(1). The proposal of Mr.Dasappa that there should be no nominations by Government was ruled out by the Chairman on the ground that it affected a main principle of the Bill, and was beyond the scope of the Select Committee. In order to make it clear that both the ex-officio members and those appointed by name should be appointed by Government the words "by the Government" may be removed from para (1)(b) (ii) and inserted in a separate line below it.

Clause 9(2). There was a long discussion on the suggestion of some members that the elected element should be not less than four fifths of the strength of the Council. It was lost when put to vote. The vote on the suggestion that the elected element be not less than three fourths resulted in a tie, and the President gave his vote for the suggestion. Accordingly, in each of the two places where the words "two-thirds" occurred, the words "three-fourths" were substituted

Clause 11(3) Proviso. Mr.Dasappa objected to permitting companies to be represented for purposes of voting by one person and for the purpose of standing for election by a quite different person. The Committee considered that the existing provision in the sub-clause required no change.

Clause 12(1). The words "who is a person" in para (a)(ii) are deleted.

The Committee did not agree to the suggestion of Mr.Dasappa that persons in receipt of grant from municipal funds should be disqualified to be councillors.

The majority of the Committee considered that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioners on behalf of a municipal council should as provided in the Madras Act be disqualified to be municipal councillors of such municipal council. Accordingly the following was added after para (f):- the word "or" at the end of para (e) being transferred to the end of para (f):- "(g) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council"

Consequent on this addition para (v) of proviso (c) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors was omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2). As regards the proviso in para (c) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, the Committee was of the opinion that as it was difficult to ascertain the intention of the absenting member the proviso was unworkable in practice

and should be deleted. It was considered that the provision in para (e) was a sufficient safeguard against continued absence, and that the para should be suitably amended so that the Municipal Council shall not have power to grant leave in case of absence exceeding six successive months. The question of disabling the salaried servants of Government from continuing as councillors for continued absence was raised but was not pressed on the assurance that a circular would again issue warning such Government servants against absence from meetings of municipal councils and that cases of neglect of this duty would be duly dealt with by Government. Accordingly para (c) of the sub clause was omitted, the subsequent paras being renumbered and para (d) as renumbered was recast as follows:-

"(d) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted by the Municipal Council in case of absence from the meetings of the Municipal Council during a period exceeding six successive months, or"

The Committee considered that all persons who are disabled by the provisions of this Sub-Section should be eligible for reelection or reappointment when the disability has ceased. Accordingly the words "clauses (a)

to (d) and (f) of" in the last para of this Sub Section ~~are~~ deleted.

Clause 13. The Committee thought that presidents should not be compelled to continue in office indefinitely merely because the Deputy Commissioner does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. For the last two sentences of the clause the following is substituted:-

"The President may resign his membership or his office as president by giving notice in writing to that effect, to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice".

Clause 16. The word "it" in the expression "as soon it conveniently may be" is omitted.

Clause 22(1). The suggestion made by a member that the Municipal Council should have a Vice-President when Government nominates the president, was not accepted by the Committee.

Clause 22(4). The Committee considered that the Vice Presidents should always be elected and accordingly, the proviso of the sub-clause was omitted.

Clause 22(8) & (14). Consequent on the above change the words "appointment", in the last but one line and the words "as the case may be" in the last line of clause 22(8), and the words "or vice-president" in the last line of clause 22 (14) are omitted.

Clause 22 (10). Mr.Changalraya Reddy suggested that the provision for vacation of office on the passing of a no-confidence motion should be made applicable to official presidents also.

Mr.Dasappa suggested an amendment that provision be made in the Bill for reporting to Government resolutions of no-confidence passed against official presidents. Neither the original proposition not the amendment found favour with the majority of the Committee.

It was considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidence was too short and that it should be raised to two months. Accordingly, for the words "one month" in the para, the words "two months" were substituted.

Clause 22(11). The Committee considered that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub clause, para (b) is omitted, and further necessary varbal changes are made.

Clause 22 (12). The Committee considered that Government should have the power to limit to one year the term of not only elected presidents but also vice presidents. The

proviso to the sub clause was recast as follows:-

"Provided that in the case of elected presidents or vice-presidents or both the Government may in special cases, with the consent of the municipal council, concerned, direct that their term be limited to one year and that elections therefor be held every year"

Clause 22(14). The words "salary or" occurring in line 3 of the sub-clause was not necessary and ~~it~~ were therefore deleted.

Clause 23. This was transferred next after clause 21 with the heading "Municipal Government" and numbered as clause 22, the said clause being numbered as clause 23. The heading of the Sub chapter occurring after clause 21 namely, Presidents and Vice Presidents was renumbered "(b)".

Proceedings of the Select Committee at the meeting on the 30th August 1932.

Clause 27(14).

It was stated by some members that the wording as it is caused some doubt. In order to make it clear that the resolution which is passed must have the support of at least half the whole number of members, the sub clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed".

Clause 31 (4).

The words "as chairman" in the 4th line are omitted as being redundant.

Clause 41(2).

The words "the chief executive office" are omitted as being unnecessary.

In order that the liability of the officers of the Muncipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by" are inserted before the last word "misconduct".

Clause 48(1).

The following sub clause is inserted as sub clause 'Z' after the present sub clause

clause 'y', the present sub clause 'z' being renumbered as 'aa' :-

Enter section

The marginal heading is sub clause (aa) so renumbered is changed to "general".

Clause 50(2).

The Committee consider that para (a) as it stands may lend itself to the interpretation as vesting in the Municipality temples, mosques, churches, etc which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the Municipality is concerned. Accordingly the words "and public ~~pub~~ buildings ~~X~~ of any description" in para (a) are omitted and the words " and buildings " are inserted after the words "all land" in para (e).

Clause 52.

The Committee consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also. The clause has been accordingly revised as

as follows:-

" The Municipal fund and all property vested in the Municipal Council under this Regulation, shall be applicable subject to the provisions of this Regulation for the purposes for which in or under this Regulation or any other law for the time being in force power is conferred or duties imposed upon the Municipal Council and with the previous sanction of Government and any other purpose for which the application of such property and fund is in the public interests".

Clause 58(f)

The words "one half" are substituted for the words "two thirds".

Clause 58(g)

The Committee consider that the advancement of the economic conditions of the inhabitants should also be a function of the Municipality. Accordingly the words " the advancement of the economic conditions of the inhabitants or" are inserted after the words "public health, safety or convenience or"

" 52. The municipal fund and all property held by or vested in the Municipal Council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in Sections 55, 56 and 58 and to all other purposes for which by or under this Regulation or any other Law for the time being in force, powers are conferred or duties imposed upon the Municipal Council and with the previous sanction of Government for any other purpose for whichthe ~~xxxx~~ application of ~~xx~~ such property or fund is in the public interests."

52 'The Municipal Fund and all property vested in The Municipal Council under this Regulation, shall be ~~applicable~~ applied subject to the provisions of this Regulation for the purposes specified in sections 55, 56 & 58 & all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the Municipal Council, and with the previous sanction of Government, ~~and~~ ~~but~~ any other purpose for which the application of such property ~~and~~ or fund is in the public interests."

appd
ker

31st August 1932.

Clause 61 (ix). The majority of the Committee are of opinion that the water rate should not be fixed at a very high rate, but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of schedule I against item D

Water rate or water rates:-

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by Government to be reasonable with reference to the expenses of providing the water supply".

Clause 70 (i).

As the revising authority may become functus officio after therevision work is completed, it will be the function of the Municipal Council to amend the assessment list as occasion arises subsequently. The words "Municipal Council" have therefore been substituted for the words "revising authority".

Clause 79 (2). ~~It is the~~ We are of opinion ~~of the majority of the Committee~~ that composition of octroi should not bepermitted as it may lead to abuse. This clause is therefore deleted and present claus 3 is renumbered as 2 and the words "and 2" in clause (3) are omitted.

Clause 89 (1). we ~~The Committee~~ consider that the farming of tolls should be annual and have inserted the word "annually" after the words "to lease".

Clause 93. The marginal heading "Distraint and sale outside the Municipality" is inserted.

Clause 109. we ~~The Committee~~ consider that Government should have reserve power to prohibit the putting up of buildings without special permission ~~license~~ of Government ~~buildings~~ in specified areas if it is not in the public interest. A new clause as follows has therefore been inserted as clause 110 after clause 109, and penalty is also provided for infringement of such prohibitory order. The clauses following will be suitably renumbered.

"No. 110 (i). Notwithstanding anything contained in Section 109, Government may in the public interest and after consulting the Municipal Council publish by notification published in the official Gazette, the erection of any building within a specified area in a municipality except with permission granted by Government in this behalf.

See next page

Provided that no such permission shall be necessary where the land on which the building is intended to be erected had been sold as a building site to the person intending to build or his predecessor in title and if after such person has given notice to the Government of the land being such site and of his intention to build, the Government has not within six months of

"110. (i) Notwithstanding ~~anty~~ anything contained in Section 109, Government may in the public interest and after consulting the Municipal Council prohibit by notification published in the official Gazette, the erection of any building within a specified area in a municipality except with permission granted by Government in this behalf;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government ~~in~~ or the Municipality prior to the publication of ~~the~~ such notification;

(ii) The grant of any permission under sub section (i) may be subject to such conditions ~~and limitations~~ as may be fixed by it in each case or prescribed generally.

(iii) Whoever erects any building contrary to the provisions of sub section (i) or the conditions imposed under sub section 2, shall be punished with fine which may extend to two hundred rupees. ~~and the Government may demolish the building~~.

iv) The Government may demolish any building erected contrary to the provisions of sub section (1), or the conditions imposed under sub section (2)

~~receipt of such notice published in the official Gazette a declaration of the intended acquisition of such land under the Land Acquisition Regulation, 1894.~~

~~(ii) whoever begins to erect any building contrary to the provisions of sub-section (i) shall be punished with fine which may extend to two hundred rupees and the Government may demolish the building..~~

Clause 145 [146] ~~The Committee~~ we consider that license should be obtained for burning bricks in all cases and consequently the words "for other than trade purposes" have been deleted in the sub clause as also in the marginal heading.

Clause 147 (3). [148 (3)]

The words "for a period not exceeding one year at a time" have been inserted after the word "lease".

Clause 157.

The Committee consider that provisions similar to sections 151 A and 151 B of the present Regulation relating to licensing of factories etc, [illegible] may be provided in the Bill. Accordingly the following are inserted as sections 158 and ~~159~~ 160, and the ~~following~~ subsequent sections ~~will be~~ are suitably renumbered. —

[Insert Secs 151A & 151B of the present Reg omitting the words "any City Town or any other" & substituting "any"

Clause 159

It was suggested by the Minister

~~The Committee are of opinion~~ that the manner of service of notices which give directions disobedience ~~of which~~ whereof would be an offence under this Regulation

should be more formal than present

and accordingly the following section has been inserted as sub section (3) applying the provisions of the C.P.C to the service of such notices.

Clause 166.

~~This clause is~~ has been recast as follows for ~~the sake of clearness:-~~

For the sake of clearness the words "by any person under this chapter" have been inserted after the words "directed to be paid".

"Save where otherwise expressly ~~xxx~~ provided in this Regulation, if a dispute arises with respect to any costs or ~~xxx~~ expenses which are by this Regulation directed to be paid by any person, the amount and if necessary the apportionment of the same shall be ascertained and determined. VIII"

Clause 177.

~~The Committee~~ We consider that the limitation that the balance of the municipal fund does not fall below a certain minimum at all times will be unworkable and hamper the municipalities. Hence the words "and the balance of the municipal fund ... .or specially for any municipality" are deleted. have been

Clause 178 (3) (d).

As a change consequential on the above change, the words "such sum as may from time to time be fixed in this behalf by Government, generallynfor all municipalities ~~xxx~~ or specially for any municipality"

are substituted for the words "the sum fixed under section 177".

Clause 179.

The marginal heading " revised budget" is inserted.

In para (b) for the words "section 177", the words "clause (d) of sub section 3 of section 178" are substituted.

Clause 186.

~~The Committee~~ We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly the words "to the court ..... by the court" at the end are omitted, and the words " by the Deputy Commissioner as an arrear of land revenue" inserted.

Clause 188(2).

This clause is ~~re~~ recast as follows:-

" The President shall prepare the report and place it before the Municipal Council for consideration, and forward it to the Deputy Commissioner with the resolution of the Council thereon".

Clause 188(3).

The words "may" and " ~~and~~ Deputy Commissioner" are substituted for the words " shall" and "Government" respectively

We consider that such [illegible]

[illegible] of a permanent nature [illegible] the municipal [illegible] should be [illegible]

[illegible] for the benefit or safety of the inhabitants ~~[illegible]~~ ~~should be deleted~~ and that ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~those that are for the convenience~~ those that are for their convenience.

Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" in para (1) and deleted the word "convenience" in para (a) inserting the word "so" before the word "safety"

Cl 197.

We consider that the Govt should have the power in case of default by a M.C to pay its dues to the Govt to direct the [illegible] person in charge of the municipal funds to pay such amounts due in priority to any other charge. A section ~~[illegible]~~ ~~[illegible]~~ as Cl 201 ~~[illegible]~~

Subsequently deleted

193 A.

If a Municipal Council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the Municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the Municipal Council admit, be bound to comply with such order.

cl. 198 [202]

I am bound to think that the first should also have the feature of being a mic in case of incompetency, as this song in some cases be a suffering remedy being less drastic than supersession.

Accepting the following verbal amendment are made in the clause: —

[Here enter Clause 198 as revised]

Can the issue of an order under sub-section (1) the municipalities shall be reconstituted by the election or appointment of councillors: —

(i)
(ii) at page 121

In respect of the [illegible] of [illegible] [illegible] [illegible] made power to make rules in respect of matters specified in that clause relating to [illegible] etc. this will be provided by inserting the word "(b)" between clauses the words "clause" and "c" in para (c) and para (b) which with a [illegible] can be consider accordingly under the amendment.

Part should have the power to make rules in respect of all matters connected with the grant of permission under section 110 which we have newly inserted. The following subclause has therefore been added as para (n) of clause 200(2) "(n) for the regulation of all matters connected with the granting of permission under section 110"

Schedule II A Class I

We consider that the maximum size of outhouses or betterments may be fixed at five per 100 leaves & we have substituted "0.0.1" for "0.0.2" against "Betterments"

Report of the Select Committee appointed to consider the Mysore Town Municipalities Bill, ~~at the meeting held on the 27th and 28th July 1932~~

We the undersigned members of the Select Committee to which the Town Municipalities Bill was refered, have considered the Bill at the meetings held on the 27th and 28th July 30th and 31st August ~~12~~ and 1st and 2nd September 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We recommend that the Bill as amended be republished in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill:-

Note- Figures in square brackets show the numbering of sections in the Bill as amended.

<u>Clause 5 (3)</u>. We consider that byelaws in force in municipalities should also continue to have force therein even after the change into town municipalities and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "bye-law" is inserted.

Clause 6 (1). In the case of areas which are not already minor municipalities, it will not be practicable to ascertain the amount of income before the rates of taxes etc to be imposed are determined by the municipal councils. The words "or of which the normal annual income is less than ten thousand rupees" in para 2 of the proviso to the sub-clause, should therefore be omitted.

Clause 9 (2). We decided by a small majority that the elected element be not less than three fourths. Accordingly, in each of the two places where the words "two-thirds" occurred, the words "three-fourths" are substituted.

Clause 12 (1). We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioners on behalf of a municipal council should as provided in the Madras Act be disqualified to be councillors of such ~~municipal~~ municipal council. Accordingly the following has been added after para (f):- the word "or" at the end of para (e) being transferred to the end of para(f)

"(g) who is employed as paid legal practitioner on behalf of a municpal council or accepts employment as legal practitioner against a municipal council"

Consequent on this addition para (v) of proviso (c) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2). As regards the proviso in para (c) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absenting member the proviso is unworkable in practice and should be deleted. It is considered that the provision in para (e) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the Municipal Council shall not have power to grant leave in case of absence exceeding six successive months. The question of disabling the salaried servants of Government from continuing as councillors for continued absence was raised but was not pressed on the assurance that a circular would again issue warning such Government servants against absence from meetings of municipal councils and that cases of neglect of this duty would be duly dealt with by Government. Accordingly para (c) of the sub-clause has been omitted, the subsequent paras being renumbered and para (f) as renumbered has been recast as follows:-

"(d) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the Municipal Council during a period exceeding six successive months, or"

We consider that all persons who are

disabled by the provisions of this Sub Section should be eligible for reelection or reappointment when the disability has ceased. Accordingly the words "clauses (a) to (d) and (f)" in the last para of this Sub Section are deleted.

Clause 13. We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the Deputy Commissioner does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. For the last two sentences of the clause the following is substituted:-

"The president may resign his membership or his office as President by giving notice in writing to that effect, to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice".

Clause 22 (4). We consider that the Vice Presidents should always be elected and accordingly, the proviso of the sub clause has been omitted.

Clause 22(8) & (14). Consequent on the above change the words "appointment" in the last but one line and the words "as the case may be" in the last line of clause 22 (8), and the words "or Vice-president" in the last line of clause 22 (14) are omitted.

Clause 22 (10). We consider that the minimum period of one month prescribed in para (4) of the

sub-clause for passing a second resolution of no-confidence is too short and that it should be raised to two months. Accordingly, for the words "one month" in the para, the words "two months" are substituted.

Clause 22 (11). We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub clause para (b) is omitted, and further necessary verbal changes are made.

Clause 22 (12). We are of opinion that Government should have the power to limit to one year the term of not only elected presidents but also vice presidents. The proviso to the sub clause has been recast as follows:-

"Provided that in the case of elected presidents or vice-presidents or both the Government may in special cases, with the consent of the municipal council, concerned, direct that their term be limited to one year and that elections therefor be held every year".

Clause 23. This has been transferred next after clause 21 with the heading "Municipal Government" and numbered as clause 22, the said clause being numbered as clause 23. The hedding of the Sub chapter occurring after clause 21 namely, presidents and vice presidents has been renumbered "(6)".

Clause 27 (14). In order to make it clear that the resolution which is passed must have the support of at least half the whole number of

members, the sub clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed".

Clause 41 (2). The words "the chief executive officer" are omitted as being unnecessary.

In order that the liability of the officers of the Municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by" are inserted before the last word "misconduct".

Clause 46 (b). We consider that the Municipal Council should have the power to make rules determining the staff to be employed, their duties, salaries etc. We have therefore inserted as para (ii) of this sub clause the following provision similar to Section 46 b (ii) in the present Regulation:-

(Insert Section 46 b (ii) of present Regulation)

Clause 48 (1). The following sub clause is inserted as sub clause 'z' after the present sub clause 'y', the present sub clause 'z' being renumbered as ' aa':-

Enter Section 48 (1) (c) of Municipal Regulation

The marginal heading of sub clause (aa) so renumbered is changed to "general".

Clause 50 (2). We consider that para (a) as it stands may lend itself to the interpretation as vesting in the Municipality temples, mosques, churches, etc which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, and that it is desirable that buildings should be

in the same category as land so far as the proprietory right of the Municipality is concerned Accordingly the words "and public buildings of any description" in para (a) are omitted and the words "and buildings" are inserted after the words "all land" in para (e).

Clause 52. We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also. The clause has been accordingly revised as follows:-

"52. The municipal fund and all property held by or vested in the Municipal Council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in Sections 55, 56 and 58 and for all other purposes for which by or under this Regulation or any other Law for the time being in force, powers are conferred or duties imposed upon the Municipal Council and with the previous sanction of Government for any other purpose for which the application of such property or fund is in the public interests".

Clause 58 (f). The words "one half" are substituted for the words "two thirds".

Clause 58 (g). The Committee consider that the advancement of the economic conditions of the inhabitants should also be a discretionary function of the Municipality. Accordingly the words "the advancement of the economic conditions of the inhabitants or" are inserted after the words "public health, safety or convenience or"

Clause 67 (ix). The majority of the Committee are of opinion that the water rate should not be fixed at a very high rate, but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of schedule I against item 4 "Water rate or water rates".

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by Government to be reasonable with reference to the expenses of providing the water supply."

Clause 70 (i). As the revising authority may become functus officio after the revision work is completed, it will be the function of the Municipal Council to amend the assessment list as occasion arises subsequently. The words "Municipal Council" have therefore been substituted for the words "revising authority".

Clause 79 (2). We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted and present clause 3 is renumbered as 2 and the words "and 2" in clause (3) are omitted.

Clause 89 (1). We consider that the farming of tolls should be annual and have inserted the word "annually" after the words "to lease".

Clause 93. The marginal heading ~~"District and~~ "Distraint and sale outside the Municipality" is inserted.

Clause 109. We consider that Government should

should have reserve power to prohibit the putting up of buildings without special permission of Government in specified areas if it is not in the public interest. A new clause as follows has therefore been inserted as clause 110 after clause 109, and penalty is also provided for infringement of such prohibitory order. The clauses following will be suitably renumbered.

"110 (i) Notwithstanding anything contained in Section 109, Government may in the public interest and after consulting the Municipal Council prohibit by notification published in the official Gazette, the erection of any building within a specified area in a municipality except with permission granted by Government in this behalf;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the Municipality prior to the publication of such notification;

(ii) The grant of any permission under sub section (i) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(iii) Whoever erects any building contrary to the provisions of sub section (i) or the conditions imposed under sub section (ii) shall be punished with fine which may extend to two hundred rupees.

(iv) The Government may demolish any buidling erected contrary to the provisions of sub section (i) or the conditions imposed under sub section (ii).

Clause 145(1)[146]. We consider that license should be obtained for burning bricks in all cases and consequently the words "for other than trade purposes" have been deleted in the sub clause as also in the marginal heading.

Clause 147 (3) 148 (3). The words "for a period not exceeding one year at a time" have been inserted after the word "lease".

Clause 157. We consider that provisions similar to sections 151 A and 151 B of the present Regulation relating to licensing of factories etc and the use of sirens etc, may be provided in the Bill. Accordingly the following are inserted as sections 159 and 160 and the subsequent sections are suitably renumbered:-

Insert section 151 A and 151 B of the present Regulation omitting the words "any City Municipality or in any other" and substituting "any".

Clause 159. It was suggested by one member the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee did not agree to the suggestion as the procedure under the Civil Procedure Code would be some what complicated.

Clause 166. For the sake of clearness the words "by any persons under this chapter" have been inserted after the words "directed to be paid".

Clause 177. We consider that the limitation that

that the balance of the municipal fund does not fall below a certain minimum at all times will be unworkable and hamper the municipalities Hence the words "and the balance of the Municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality" have been deleted.

Clause 178 (3) (d). As a change consequential on the above alteration, the words "such sum as may from time to time be fixed in this behalf by Government, generally for all municipalities or specially for any municipality" have been substituted for the words "the sum fixed under section 177"

Clause 179. The marginal heading "revised budget" is inserted.

In para (b) for the words "section 177", the words "clause (d) of sub section 3 of section 181" are substituted.

Clause 186. We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly the words "to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable on an application made by the municipal council to the court in the same way as an amount decreed by the court" at the end are omitted, and the words "by the Deputy Commissioner as an arrear of

land revenue" inserted.

Clause 188 (2). This clause is recast as follows:-

"The President shall prepare the report and place it before the Municipal Council for consideration, and forward it to the Deputy Commissioner with the resolution of the Council thereon".

Clause 188 (3). The words "may" and "Deputy Commissioner" are substituted for the words "shall" and "Government" respectively.

Clause 194. We consider that before Government construct works of a permanent nature on behalf of a Municipality, the municipal council should be consulted, and the ~~workds~~ works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have insertedthe words "after consulting the municipal council" after the words "at any time" in para(1) and deleted the word "convenience" in para (a), inserting the word 'or' before the word "safety".

Clause 197. We consider that the Government should have the power, in case of default by a municipal council to pay its dues to the Government, to direct the person having custody of the municipal funds to pay to the Government such amounts due in priority to any other charge. A section as follows has been added as clause 201 after present clause 197 the subsequent clauses being numbered.

[illegible] If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the ~~Munici~~ Municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the Municipal Council admit, be bound to comply with such order.

Clause 198 (202) We consider it desirable that the Government should also have the power to dissolve a municipal council in cases of incompetency, as this may in some cases be a sufficient remedy being less drastic than supersession. Accordingly the following amendments are made in the clause:-

1. If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this regulati or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

2. When the municipal council is so dissolved or superseded, the following consequences shall ensue:-

(a) all councillors of the municipal council shall, in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution vacate their offices as such

3. On the issue of an order under sub section (1) the municipality shall by the election or appointment of councillors be reconstituted-

~~ix~~ (i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersesstion, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be

councillors;

(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;

(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

3. If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

4. After the municipal council is superseded it shall be re-established by the election or appointment of new councillors under the provisions of this regulation or rules made thereunder applicable thereto-

(a) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1) and

(b) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the municipal council.

Clause 200 (3) (c) and (e). Consequent on the amendment of Clause 46 (b) which we have made, power to make rules in respect of matters specified in that clause relating to staff of offices etc will be provided by inserting the word "(b)" between the words "clauses" and "c" in para (C) and para (e) which will be a repetition can be omitted. We have accordingly made these amendments.

Government should have the power to make rules in respect of all matters connected with the grant of permission under section 110 which we have newly inserted. The following sub clause has therefore been added as para (2) of clause 200 (2) "(n) for the regulation of all matters connected with the grant of permission under section 110".

Schedule II A Class I.

We consider that the maximum rate of octroi on betel leaves may be fixed at 1 pie per 100 leaves and we have substituted "0-0-1" for "0-0-2" against "Betel leaves".

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 3898

Legis 61-31-2

FROM

Captain G. Kirkbride, I.A.,
SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore.

Dated Bangalore, 11th June, *193* 2

Subject.

The Mysore Town Municipalities Bill.

--

SIR,

I am directed to refer to your letter No.Pol.1241/Legis.61-31-1, dated the 27th/30th May, 1932, forwarding two copies of the above Bill and to say that the Hon'ble the Resident sees no prima facie objection to its introduction in the Mysore Legislative Council.

2. As the bill will require a reference to the Government of India before it is passed into law, a further communication will be awaited.

I have the honour to be,
Sir,
Your most obedient servant,

Captain,
SECRETARY TO THE RESIDENT.

MVS.

SUBJECT: The Mysore Town Municipalities Bill

Section Legis
File No. 61-31
Serial No. 4

Diary No. of letter replied to .....

No. Pol. 708 E/2

To The Secretary to the Hon'ble the Resident

General and Revenue Secretariat
( )
the 193 .

Sir,

With refer to para 2 of your letter No 3895 of 11th June 1932, re the Mysore Town Municipalities Bill, I am directed to state that at the meetings of the Legis Council held in Dec 1932, the report of the S.C to which the Bill pertaining had been referred and the Bill as amended by them were considered and the motion for passing the Bill as amended at a subsequent

Date of issue Flag 'L' 27/1/32

Signed by M. N. M.

List of enclosures .....

Copied by .....

Examined by .....

meeting of the Council
was adopted.

I enclose herewith
two copies of the Bill as
amended and adopted
and request that the
approval of the Governor-
General to the passing of
the said Bill into law
may duly be obtained
and communicated early

I have &c

Chief Secy

N. Madhava Rao, Esq., B.A., B.L.,
Chief

With reference to para 2 of your letter No.3895 dated 11th June 1932, regarding the Mysore Town Municipalities Bill, I am directed to state that at the meetings of the Legislative Council held in December 1932, the Report of the ~~Standin~~ Select Committee to which the Bill had been referred and the Bill as amended by them were considered and the motion for passing the Bill as amended at a subsequent meeting of the Council was adopted.

I enclose herewith two copies of the Bill as amended and adopted and request that the approval of the Government of India to the passing of the said Bill into law may kindly be obtained and communicated early.

I have the honor to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

REGULATION VIII OF 1933.

A Regulation to make better provision for the management of Municipal affairs in Towns in Mysore.

PIRCE 0-9-0.

THE MYSORE TOWN MUNICIPALITIES REGULATION 1933.

ERRATA,

Page 1	section 2 (*b*) line 3	..	*For* Bylaws *read* By-laws
Page 1	section 2 (*b*) line 4	..	*For* rotes *read* rates
Page 2	section 3 line 2	..	*For* content *read* context
Page 9	section 12 (1)A	..	*For* who is a judge and *read* who is a judge, and
Page 14	section 20 (4) (i) line 4	..	Insert a comma between the words "who" and "with"
Page 14	section 20 (5) line 3	..	*For* carrynig *read* carrying
Page 15	section 20 (6) line 9	..	*For* 1938 *read* 1933
Page 20	section 27 (2) line 2	..	Insert a comma between the words "shall" and "upon"
Page 24	section 28 (2) line 4	..	*For* Regulations *read* regulations
Page 26	section 34 line 2	..	*For* itme *read* time
Page 30	section 39 line 7	..	delete the comma appearing after the word "sum"
Page 31	section 43 (*b*) line 2	..	*For* interests *read* interest
Page 34	line 13	..	*For* this *read* the
,,	section 47 (1) line 6	..	delete the comma in the line
Page 41	section 54 line 1	..	Insert a comma after the word "may"
Page 43	section 57 line 3	..	delete the comma at the end
,,	section 58 (*a*) line 4	..	*For* about *read* abut
Page 44	section 59 line 3	..	*For* and *read* an
,,	section 60 line 1	..	*For* conrtol *read* control
Page 45	line 14	..	*For* comsumption *read* consumption
Page 55	line 13	..	*For* bye-laws *read* by-laws
Page 65	section 100 line 7	..	*For* thretofore *read* theretofore
,,	line 11	..	*For* lying *read* laying
Page 67	section 103 line 2	..	*For* undr *read* under
,,	,, line 11	..	*For* porjecting *read* projecting
Page 81	line 8	..	*For* deligence *read* diligence
,,	section 129 (*d*) line 5	..	*For* inclosure *read* enclosure
Page 85	section 134 (1) line 8	..	*For* muuicipal *read* municipal
Page 98	section 161 line 2	..	*For* mnuicipal *read* municipal
Page 106	section 179 line 3	..	*For* porvisions *read* provisions
Page 108	section 182 line 6	..	Insert a comma at the end
Page 110	section 188 line 3	..	*For* ben *read* been
Page 117	section 203 (1) line 2	..	*For* no *read* not
Page 125	line 10	..	*For* mnuicipal *read* municipal

NOTIFICATION.

Order No. P. 294—Legis. 62-31-5, dated Bangalore, the 17th July 1933. (Enclosure Pages 1—135.)

Ordered that the accompanying Mysore Town Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933, be published as Regulation No. VIII of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government, General Department.

REGULATION VIII OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE TWENTY-EIGHTH DAY OF JUNE 1933.)

A Regulation to make better provision for the Management of Municipal affairs in Towns in Mysore.

Whereas it is expedient to make better provision for the management of municipal affairs in towns in Mysore; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be cited as the Mysore Town Municipalities Regulation, 1933. Short title.

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on the first day of August 1933. Commencement.

2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to town municipalities. Repeal.

Provided that— Saving clause.

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments;

(*b*) all town municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and by laws made, notifications and notices issued, taxes and rates

imposed, contracts entered into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to town municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation, unless there be something repugnant in the subject or content—

(1) "Amildar" includes a Deputy Amildar.

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(6) "judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff.

(7) "land" shall include land which is built upon or covered with water.

(8) "municipal council" shall mean the council of a town municipality.

(9) "municipality" shall mean any local area which is at present a town municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town municipality.

(10) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property.

(11) "octroi" shall include a terminal tax.

(12) "official year" shall mean the year commencing on the first day of July.

(13) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to the owner sufficient to defray the expense of doing the act required.

(14) "prescribed" means prescribed by any rule made by the Government under this Regulation.

(15) "public securities" shall mean—

(a) securities of the Government of India,

(b) securities of the Government of Mysore,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(d) a security expressly authorised by any order which the Government makes in this behalf.

(16) "public street" shall mean any street—

(a) over which the public have a right of way, or

(b) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(c) which under any provision of this Regulation becomes a public street.

(17) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(18) "street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it

is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(19) "taluk" includes a "sub-taluk."

(20) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(21) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public street.

(22) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation of town municipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall from a date to be specified in the notification, cease to be a municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits o the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the municipal council in every town municipality already existing and of every town municipal council newly constituted under this Regulation, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of

the municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of city and minor municipalities into town municipalities.

5. (1) The Government may at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any minor municipality as defined in the Mysore Minor Municipalities Regulation, 1933, which contains a population of not less than five thousand inhabitants or which has an annual normal income of not less than ten thousand rupees or a city municipality as defined in the Mysore City Municipalities Regulation, 1933, shall, with effect from a date to be specified in the notification be deemed to be a town municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Minor Municipalities Regulation, 1933, or the Mysore City Municipalities Regulation, 1933, as the case may be, shall not apply to any municipality delcared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the Mysore Minor Municipalities Regulation, 1933, or the Mysore City Municipalities Regulation, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Regulation or such other law.

(4) Before any city or minor municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalites.

6. (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a town municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses; or

(ii) to constitute any town municipality in any area of which the population is less than five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Town Municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the Official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the

said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of town municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Municipal councils to consist of elected and nominated councillors,

9. (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

(*a*) elected councillors;

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf,

by the Government.

in specified proportions.

(2) The number of elected councillors shall not be less than three-fourths of the whole number of councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half:

Provided that when a president appointed by the Government under clauses (*a*) and (*b*) of sub-section (2) of section 23 or when a president elected under clause (*d*) of the same sub-section is not a councillor, the three-fourths of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Any vacancy due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding

anything in this Regulation contained, be filled up by nomination by the Government.

Government may determine the number of councillors; fix proportion of elected and nominated councillors.

10. The Government shall, from time to time, generally or specially, for each municipal council—

(*a*) determine the number of councillors;

(*b*) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated;

(*c*) fix the number of councillors to be elected in the municipality and by the several constituencies, if any; and

(*d*) issue orders for regulating the description, number and extent of constituencies for election of councillors.

Operation of lists.

11. (1) When in accordance with the rules made under clause (*b*) of sub-section (2) of section 204, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of three years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(*a*) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll;

(*b*) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard;

(*d*) no change in the election roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

Right to vote to depend on entry in roll;

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

enrolment in municipal election roll necessary for elected councillor.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor expires:

Representative of associations.

Provided that if any company, body corporate or other association of individuals is enrolled in the municipal election roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a councillor.

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

12. (1) (A) No person may be a councillor—

(*a*) (*i*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) aganist whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*iii*) who was been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*iv*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(*v*) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore City Municipalities Regulation, 1933, or under section 14 of the Mysore Minor Municipalities Regulation, 1933, or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a judge and

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal council.

Provided that—

(*a*) the disqualification in sub-clause (*ii*) of clause (A) (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses (*i*), (*iii*), (*iv*) and (*v*) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(*v*) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of the Government, may fix in this behalf, or

(*vi*) having a share or interest in the occasional letting out on hire to the municipal council or in the

hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

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(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (*i*), (*ii*), (*iii*) or (*v*) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(*ii*) in which he is professionally interested on behalf of a principal or other person, or

(*iii*) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) by becoming a salaried servant of the Government causes the number of nominated councillors who are salaried servants of the Government to exceed the proportion prescribed in sub-section (2) of section 9, or

(*d*) not being a salaried servant of the Government absents himself from the meetings of the municipal council, during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*e*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

15. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 202, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under clause (*a*) of section 10, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period

as the Government may, in this behalf, notify in the Official Gazette.

Re-eligibility of councillors.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors and presidents and vice-presidents in the Official Gazette.

19. The names of all councillors finally elected to any municipal council as well as the names of the nominated councillors, if any, appointed thereto, and the names of all elected or appointed presidents and vice-presidents shall be published, as soon as conveniently may be, in the Official Gazette.

(4) *Municipal Elections.*

Determination of validity of elections; enquiry by judge; Procedure.

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*d*) of sub-section (2) of section 23, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the District Judge of the district within which the election has been or should have been held for the determination of the validity of the election.

(2) The District Judge or such other judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, shch portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Judge, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Judge

sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

EXPLANATION.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrynig out the rules made under clause (*b*) of sub-section (2) of section [illegible]

sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

EXPLANATION.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the Judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1938, for a term of years not exceeding seven and the Judge's decision shall be conclusive:

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Bar of suits relating to elections, etc.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

(5) *Municipal Government.*

Municipal Government to vest in municipal Council.

22. Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

(6) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires, a vice-president.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Salaried servants of Government ineligible for election.

(5) No salaried servant of the Government shall be eligible for election as president or as vice-president of any municipal council, and the election of any such servant in contravention of the provisions of this sub-section shall be void. If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

When Deputy Commissioner and Amildar may perform functions of President.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of municipalities at district head-quarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities, shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president

or vice-president unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a president appointed by the Government;

(*b*) by the municipal council in other cases.

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (*c*) or (*d*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (*a*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by president and vice-president for want of confidence.

(10) Every president other than a salaried servant of the Government appointed *ex-officio* or by name and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts;

EXPLANATION.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of office of president and vice-president.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor:

Provided that in the case of elected president or vice-president or both, the Government may, in special cases, with the consent of the municipal councils concerned, direct that their term be limited to one year and that elections be held every year.

Vacancies in their office how to be filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Remuneration of president and vice-president of municipal council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of the Government allowances to any Government officer who is appointed as president.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 46, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation;

(*d*) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Deputy Commissioner or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the Assistant Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 192.

(2) In a municipality for which there is no chief officer, the president shall, notwithstanding anything contained in chapter XIII and independently of such executive functions as are allotted to him by, or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a chief officer in the municipality.

Custody of records.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner or the Amildar has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in sections 9 and 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

Provisions in regard to meetings of a municipal council.

27. The following provisions shall be observed with respect to the meetings of a municipal council:—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public

building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting:

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Regulation.

Meetings to be held at municipal office.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meeting how presided over in the absence of the president and vice-president.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private:

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought up before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other

day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Muncipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not

less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

EXPLANATION.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

Rights and privileges of individual councillors.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such Regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advice on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Regulation, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc. of such persons.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

When Chairman to be *ex-officio*.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

When no *ex-officio* chairman, municipal council may appoint Chairman.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

If there is no chairman, *ex-officio* or appointed by the municipal council.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members.

Procedure at meetings.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee."

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

Committees shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the

president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of sectoin 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

And how to be recorded

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

34. (1) Every committee shall conform to any instructions that may from itme to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf

(3) *Delegation of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under chapter XIII or on any committee by or under section 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

(4) *Validity of Proceedings.*

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or of any committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

Joint committees of two or more municipal councils.

37. A municipal council may from time to time join with any other municipal council constituted under this Regulation or under the Mysore City Municipalities Regulation, 1933, or the Mysore Minor Municipalities Regluation, 1933, or with any district board, or with more than one such municipal council or board,

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

38. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding one thousand rupees in value, the previous sanction of the Government is required.

(3) In the case—

Sanction by resolution at general meeting requisite to validity of certain contracts.

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction of municipal council when requisite in other cases.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

When tenders should be invited.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding two hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds five thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

Sanction by committees and individuals empowered.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 54 and chapter XIII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum, provided for such work ; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory acquisition of land.*

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council, of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council ; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the chief officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid; shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

43. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interests in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

44. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

45. (1) Every municipal councillor, officer or servant every auditor appointed under section 184 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BY-LAWS.

Municipal councils to make rules.

46. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 204 and may from time to time alter or rescind them—

Regulating the conduct of business.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment.

(*b*) (i) determining, the executive functions to be performed by the president, vice-president, the chairman of any committee, or the chief officer and the delegation of any of its powers or duties to such persons;

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other

allowances of such officers and servants, and the powers and duties delegated to them under section 35;

For general guidance of municipal servants;

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

Fixing the amount of the security to be furnished;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

Granting leave to municipal servants;

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Contributing to provident funds.

(*g*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants;

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licenses or permissions granted under section 78, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 92 shall be held;

For writing off amounts due and remitting fees.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted.

Provided that—

Approval required to rules.

(*i*) no rule made or any alteration or rescision of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government.

(*ii*) no municipal council shall unless with the assent of the Government dispense with the service of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dispense from the service of the municipal council any officer transferred from the service of the municipal council to the service of this Government.

Power to suspend, reduce or abolish any existing tax.

47. (1) Subject to the requirements of proviso (i) to section 46, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 81, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescision of any rule prescribing a tax.

Power to make by-laws.

48. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Regulation—

For markets and slaughter houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 158;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or ærated waters;

(v) as a place for the preparation or manufacture of oil; or

(vi) for any other purpose for which the taking out of a license is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious offensive, or dangerous effect arising or likely to arise therefrom;

Regulating the stalling of cattle, etc.

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

For regulating dairies and cattle-sheds.

(*d*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

Milk-stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk [illegible] or buttermen for milk or butter;

For inspection of weights and measures.

(*e*) for the inspection of instruments for weighing and weights and measures under section 153;

For the registration of births, etc.

(*f*) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective;

Regulating the disposal of the dead.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being

or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

Public parks.

(*y*) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

For licensing factories, the use of steam whistler, etc.

(*z*) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Regulation, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

(*aa*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Rules and by-laws to be printed and sold.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in Kannada shall be kept on sale at cost price.

CHAPTER V.

Municipal Property and Fund.

Power to acquire and hold property.

50. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Property vested in the municipal council.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and, control, and shall be held and applied by it as trustee subject to the provisions and for the purposes of this Regulation; that is to say—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund.

51. All money received by or on behalf of the municipal council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Regulation; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application of municipal fund and property.

52. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Power to deposit and invest surplus funds.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1) be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

54. A municipal council may in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

Duties of municipal councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

(*a*) lighting public streets, places and buildings;

(*b*) watering public streets and places;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not; removing noxious vegetation; and abating all public nuisances;

(*d*) extinguishing fires, and protecting life and property when fires occur;

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets,

slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 135 of this Regulation;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(*r*) housing and maintaining destitute orphans and destitute cripples;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

56. Subject to such reasonable provision as is mentioned in section 55, every municipal council shall make reasonable provision for the following special matters, namely:—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may, declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

Discretionary powers of expenditure of municipal coun

58. Municipal councils may, at their discretion provide out of the said property and fund, either wholly or partly, for—

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to about on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(*e*) granting loans to encourage local arts and industries;

(*f*) planting and maintaining roadside and other trees;

(*g*) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*h*) making a survey;

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 158;

(*j*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*k*) establishing and maintaining a farm or factory for the disposal of sewage;

(*l*) providing music for the people;

(*m*) the promotion of public health or infant welfare;

(*n*) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(*o*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality ; and

(*p*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life ;

(*q*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for and unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

60. The management, conrtol and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

Municipal Taxation.

(1) *Imposition of taxes.*

Taxes which may be imposed.

61. Any municipal council—

(*a*) after observing the preliminary procedure required by section 62, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 63, the

Government in according such sanction deems fit, may impose, for the purposes of this Regulation, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI, that is to say,—

(*i*) a rate on buildings or lands or both situated within the municipality;

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;

(*iii*) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(*iv*) an octroi on animals or goods, or both brought within the octroi limits for comsumption or use therein ;

(*v*) a terminal tax on goods imported or exported from the terminal tax limits :

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time ;

(*vi*) a tax on dogs kept within the said municipality ;

(*vii*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(*viii*) a general sanitary cess for the construction or maintenance or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(*ix*) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(*x*) a lighting tax ;

(*xi*) a tax on arts, professions, trades and callings and on offices and appointments ;

(*xii*) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*xi*) in respect of the business or professions carried on in the shop or place ;

(*xiii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (*a*) of section 62.

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja;

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Regulation;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing tax.

62. A municipal council before imposing a tax shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61 and prepare rules for the purposes of clause (*h*) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(*i*) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(*ii*) the amount or rate at which the municipal council proposes to assess each such class;

(*iii*) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(*iv*) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given :

Provided that—

(*a*) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and,

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 46, prescribing the mode of levying and

recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates.*

Appointment of assessor.

65. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Regulation and shall bear all expenditure incidental thereto.

Preparation of an assessment list.

66. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated ;

(*b*) the designation of the property, either by name or by number, sufficient for identification ;

(*c*) the names of the owner and occupier, if known ;

(*d*) the annual letting value or other valuation on which the property is assessed ; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both ;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

67. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Regulation, "the holder" of such premises, without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

68. When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

69. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government the municipal council may delegate this function.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

(a) investigate and dispose of the objections,
(b) cause the result thereof to be noted in the book kept under sub-section (3), and
(c) cause any amendment necessary in accordance with such result to be made in the assessment list.

Authentication of list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and inspection of list.

(6) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive.

(7) Subject—(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and
(b) to the result of any appeal made under section 96,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—
(i) for the purposes of all municipal taxes of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and
(ii) for the purposes of any tax imposed on buildings or lands of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

70. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice,

and in the manner provided by sub-section (3) of section 69, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 96, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

New assessment list need not be prepared every year.

71. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 68, 69 and 70 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

72. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely:

(a) if the property is let, from the lessor;

(b) if the property is sublet, from the superior lessor;

(c) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to

the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

73. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

74. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Regulation, 1903.

Name of transferee to be substituted in the municipal registers.

75. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

76. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 97 for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies; when obligatory.

77. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fee for certain licenses.

78. (1) When any license is granted by the municipal council under this Regulation, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal

council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Regulation or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (*a*) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Composition of toll.

79. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such persons would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall for the purposes of chapter VIII be deemed to be, and shall be recoverabe in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Power of Government to suspend or prohibit levy of objectionable taxes.

80. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

81. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 195 or under section 197 or for the performance of any duties in respect of which it shall have been declared under section 200 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62:

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

2. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

83. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

84. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tend

ered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.

85. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid shall be liable, on conviction before a magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such article not exceeding two hundred rupees in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the provision of the Criminal Procedure Code.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

Tables of tolls to be shown on demand.

86. Every municipal council imposing any toll under this Regulation shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

87. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

88. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised

by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

89. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 87; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

90. (1) When any amount—

(a) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or

(b) which, not being leviable under sub-section (1) of section 87, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(a) the period for which, and

(b) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of schedule X, or to the like effect.

In what cases warrant may issue.

91. (1) If the person on whom a notice of demand has been served under section 90, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, if any, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 96 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by the chief officer, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Regulation or the Mysore City Municipalities Regulation, 1933, or under the Mysore Minor Municipalities Regulation, 1933, or in a place which is not a municipality constituted under the aforesaid Regulations, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the taluk as the case may be; provided that such president or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is

liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance.

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of schedule XII.

Sale of goods distrained in special cases.

92. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

straint and sale outside the municipality.

93. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 92.

Summary proceedings may be taken against persons about to leave the municipality.

94. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of

demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

Fees and costs chargeable.

95. Fees for—

(a) every notice issued under sub-section (3) of section 90,

(b) every distress made under sub-section (5) of section 91, and

(c) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates, respectively, specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 92.

Appeal to magistrates.

96. (1) Appeals against any notice of demand issued under sub-section (3) of section 90, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(a) the appeal is brought within one month next after service of the notice of demand complained of; and

(b) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be within the time fixed in the notice given under section 69 or 70 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 90, to the municipal council within fifteen days next after the presentation of such bill, and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

Liability of land buildings, etc., for rates.

97. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 72, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

98. The Government may at any time by notification suspend the operation of sections 91 and 92, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 170 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

99. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

Municipal Powers and Offences.

(1) *Powers in respect of streets*

Power regarding street, etc.

100. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 38, to lease or sell any such land thretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

(2) In lying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any

public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Temporary closure of streets.

101. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Regulation.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

The regular line of public street.

102. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (*a*) Except under the provisions of section 123, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 168, shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

103. (1) If any part of a building projects beyond the regular line of a public street as prescribed undr section 102, or beyond the front of the building on either side thereof, the municipal council may,

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such porjecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 168, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 128 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 128, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

104. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

105. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation,

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

106. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of building.

107. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

108. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

109. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 103 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 102 to give permission, the person

intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Regulation or the rules and by-laws thereunder, the municipal council may—

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Regulation and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (*c*)—

(*i*) shall apply only to buildings on sites not laid out by the municipal council or other competent authority; and

(*ii*) shall not be in force after six months from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to say:—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may—

(*a*) direct that the building, alteration, or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building

without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or re-construction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

110. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which has been set apart as a building site

by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

111. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

112. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 168.

(3) *Powers connected with drainage, water-works, etc.*

Municipal control over drains, etc.

113. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

Powers for making drains.

114. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 168 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

115. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such

appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

116. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Provision of privies, etc.

117. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may

direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

118. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power in respect of sewers, etc. unauthorisedly constructed, rebuilt or unstopped.

119. The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

120. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such

person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

121. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

Power of carrying water mains, etc.

122. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

123. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any

such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 168.

Troughs and pipes for rain water.

124. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc. to houses.

125. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity

for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

126. (1) The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure threof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Removal and trimming of hedges, trees, etc.

127. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health safety and convenience.*

Ruinous or dangerous buildings.

128. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due deligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured.

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

129. (1) The municipal council may at any time by written notice require that the owner of or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water-supply is in the opinion of the municipal council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use, for drinking purposes any such source of water-supply

which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy or non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

130. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal

lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstruction and encroachments upon public streets and open spaces.

131. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 123, or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

132. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work

(*a*) first obtain a license in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

133. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

134. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision as to dogs.

135. (1) The municipal council may, by public notice, require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of

any dog which has been taken possession of or detained in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing dust, etc.

136. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthen-ware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

137. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

138. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the

filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy buildings, etc.

139. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

140. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Abatement of nuisances from wells, etc.

141. (1) If in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill

up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(*i*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(*ii*) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

142. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

143. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

144. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

145. Whoever feeds any animal which is kept for dairy purposes or is intendedf or human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licenses to be taken for burning bricks.

146. (1) It shall be lawful for the municipal council to publish by a notification in the Official Gazette that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein;

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

Licensing markets, slaughter-house and certain businesses.

147. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (*b*) of sub-section (1) of section 48 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon

appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing and letting of markets and slaughter-houses.

148. (1) The municipal council may from time to time open or close any public market or slaughterhouse. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc. beyond municipal limits.

149. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

150. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Regulation or if the shop or place is established after the commencement of this Regulation then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf ; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognised by such pharmacopœia are dispensed upon prescription.

Uncertificated person dispensing drugs.

151. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 150, shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence ; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 150, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

Unwholesome articles of food and drink.

152. (1) The president or any person authorised by the municipal council in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals,

and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (5).

(5) If any animal, article or drug is brought before a magistrate under sub-section (4), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights and measures and instruments for weighing.

153. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

Powers which may at any time be exercised.

154. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*e*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from

a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*f*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep or goats.

155. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the out-break or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

156. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner

of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Closing places for disposal of the dead.

157. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the Official Gazette and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations*

Regulation of certain trades.

158. (1) If it be shown to the satisfaction municipal council that any building or place u intended by any person to be used

(*a*) for boiling or storing offal, blood, bones or rags;
(*b*) for salting, curing and storing fish;
(*c*) for storing hides, horns or skins;
(*d*) for tanning;
(*e*) for the manufacture of leather or leather goods;
(*f*) for dyeing;
(*g*) as a brick, pottery or lime kiln;
(*h*) for soap-making;
(*i*) for storing hay, straw, fodder, wood, coal or other combustible material;
(*j*) as a quarry;
(*k*) as a cart-stand;
(*l*) for storing grain for trade purposes;
(*m*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire,

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or
(ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine, which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this ction the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in a municipality in which by-laws under section 48 (1) (*b*) (iii) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place or any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Factories in crowded localities.

159. (1) In any municipality to which by a notification in the Official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory, as defined in the Mysore Factories Regulation, 1914, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory, in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the term of any by-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

160. (1) In any municipality to which by a notification in the Official Gazette this section is made applicable by the Government, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at

any time withdraw such license on giving one month's notice to the licensee.

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Brothels.

161. In any municipality to which, on the application of the mnuicipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

162. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill

to, some adult male member or servant of his family; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Services of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Regulation requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 169.

Punishment for disobedience of orders and notices not punishable under any other section.

163. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal council in default of owner or occupier may execute work and recover expense.

164. (1) Whenever, under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as to the municipal council may deem fit.

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

165. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal Council cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any, occupier opposes the execution of the Regulation.

166. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may aslo, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Regulation.

167. It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determination of compensation in certain cases.

168. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case, where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Costs or expenses how determined and recovered.

169. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary the apportionment of the same shall, save where it is otherwise is expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

Prosecutions, Suits and Powers of Police.

Municipal council may prosecute.

170. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Regulation or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Power to compound offences.

171. A municipal council may—

(a) compromise with any person who in the opinion of the municipal council has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(b) withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder;

(c) compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation for distraint, etc.

172. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful though defective in form.

173. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

174. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

175. In lieu of any process of recovery allowed by or under this Regulation or in case of failure to realise by such process the whole or any part of any amount re-

coverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Regulation, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

176. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Regulation.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

177. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

178. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor,

officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

179. (1) Any police officer may arrest any person committing in his view any offence against any of the porvisions of this Regulation, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

Municipal Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

180. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Regulation or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) sums which the municipal council is required or empowered by this Regulation to pay by way of compensation;

(*d*) every sum payable—

(*i*) under sections 195 and 203 by order of the Deputy Commissioner and under sections 196, 197, 198, 200 and 203 by order of the Government,

(*ii*) under a decree or order of a civil court passed against the municipal council,

(*iii*) under a compromise of any suit or other legal proceeding or claim;

(*e*) expenses incurred in the exercise of power conferred by clause (*a*) of section 56 and sections 154 and 155;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation of accounts.

181. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimate.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the municipal council shall, among other things—

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Regulation or any other law;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(c) provided for the payment of all sums payable to the Government under sections 196 and 197, and of all contributions, for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(d) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

182. If in the course of the official year the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government

(a) no reduction shall be made in the amounts allotted for the several items specified in clauses (b) and (c) of sub-section (3) of section 181, and

(b) the closing balance shall not be reduced below the sum fixed under clause (d) of sub-section (3) of section 181.

Maintenance of accounts and restrictions on expenditure.

183. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

184. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon, and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of Government auditor.

185. The Government auditor may—

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(b) by written requisition require any person accountable for, or having the custody or control, of any such document to appear in person before him; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

186. (1) The Government auditor shall—

(a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Municipal council to remedy defects.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

187. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of Deputy Commissioner.

188. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or ben served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

189. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

190. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Annual administration report.

191. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

The President shall prepare the report and place it before the Municipal Council for consideration, and forward it to the Deputy Commissioner with the resolution of the Council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Deputy Commissioner may direct.

CHAPTER XII.

CONTROL.

Powers of inspection and supervision.

192. (1) The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any municipal council in such taluk.

Deputy Commissioner's power of inspection of offices of municipal councils.

193. The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

194. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

195. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions or sub-section (2) of section 194 shall apply, so far as may be, to any order made under this section.

Agency for execution of Public Works.

196. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by Government.

197. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time after consulting the municipal council,

(a) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it wholly or in part;

(b) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(c) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation;

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the

municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

Government inquiry into municipal matters.

198. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,
(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,
(*c*) compelling the production of documents,
(*d*) examining witnesses on oath,
(*e*) granting adjournments,
(*f*) reception of evidence taken on affidavit, and
(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

EXPLANATION.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are, to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

199. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the

requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

Government may require any town municipal council to appoint a health officer or an engineer.

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;
(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;
(iii) to require that any person appointed to be a chief officer shall be invested by any such municipal council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 211;
(iv) to require that all or any of the powers referred to in section 154 shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties in default of municipal council.

200. (1) When the Government is informed on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing

it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

201. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve *or* supersede muncipal council in case of incompetency, default, or abuse of powers.

202. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Disputes between a municipal council and one or more local authorities.

203. (1) If any dispute for the decision of which this Regulation does no otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled—

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet or a minor municipal council as defined in the Mysore Minor Municipalities Regulation 1933 in the same district and his decision shall be final ; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of Government to make rules and orders.

204. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed :

(*b*) (*i*) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(*ii*) for prescribing the qualifications of voters and of candidates ;

(*iii*) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give ;

(*iv*) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

(*v*) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll ;

(*vi*) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited ;

(*c*) for the regulation of all or any of the matters specified in clauses (*b*), (*c*), (*e*), (*f*), (*g*) and (*h*) of section 46 ;

(*d*) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(*e*) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances

on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuties, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(*f*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(*g*) for the proper management and maintenance of any work constructed under section 197 and for the regulation of all matters and things connected therewith ;

(*h*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(*i*) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Regulation ;

(*j*) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass ;

(*k*) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports ;

(*l*) for the regulation of all matters connected with the grant of permission under section 110 ;

(*m*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the Official Gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to cancel or modify by-laws and rules of municipal councils.

205. (1) The Government may at any time by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council.

Provided that before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

206. The Government may delegate all or any of its powers under this Regulation to any officer sub-ordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

207. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

208. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal auhority.

CHAPTER XIII.

Appointment and Powers of Chief Officers

Appointment of chief officer.

209. (1) Any municipal council may, and when required by the Government by an order in this behalf shall within such time as may be fixed therein, appoint a chief officer for the municipality

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(*a*) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(*b*) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Duties of chief officer.

210. The chief officer shall—

(*a*) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Regulation;

(*b*) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon; and

(*e*) subject to the rules prescribed in this behalf under section 204 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1)

of section 24 and in clause (*e*) of the same sub-section in regard to the officers and servants of the municipal council.

Power of chief officer.

211. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Regulation :—

(*a*) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Regulation, other than licenses for markets or slaughterhouses ;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(*d*) he may subject to the control of the president and to the provisions of section 38—

(*i*) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(*ii*) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 74,
section 78, sub-sections (2) and (3),
section 83,
section 87, sub-sections (3), (4) and (5),
section 89, proviso to sub-section (2),
section 90,
section 91,
section 92,
section 94,

section 96, sub-section (3),
section 107,
section 109, sub-sections (2), (3) and clause (a) of sub-section (6).
section 111,
section 113,
section 116,
section 120, sub-section (1),
section 121,
section 124,
section 125,
section 127,
section 128,
section 129,
section 130,
section 131,
section 132,
section 133,
section 134,
section 135,
section 136,
section 137,
section 139, sub-section (1),
section 140,
section 143,
section 147, sub-section (3),
section 152,
section 153,
section 154, sub-section (2),
section 162, and
section 163.

Chief officer's powers of appointment and punishment.

212. The chief officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant.

Provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief officer may make explanations at meetings.

213. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

SCHEDULE A.

Enactments Repealed

(See Section 2.)

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Mnuicipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE I.

[Section 61, Clauses (i), (vi) to (x) and (xiii).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*)—	
(*a*) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(*b*) In other municipalities	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Tax on dogs ..	One rupee per head.
C. Special sanitary cess ..	Rates that may be notified by the Government from time to time.
D. General sanitary cess ..	Do do
E. Water rate or water rates ..	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax ..	One-third of the rate leviable under item A.
G. Other taxes leviable under clause (xiii) of section 61.	Rates to be fixed by the Government in each case.

SCHEDULE II.

[Section 61, Clauses (iv) and (v).]

MAXIMUM RATES OF OCTROI AND TERMINAL TAX.

Taxes	*Maximum rates*
A. Octroi—	
Class I—Articles of food or drink for men or animals—	Rs. a. p.
Cocoanuts, fresh	0 0 1 each
Cocoanuts, dry	0 8 0 per maund of 960 tolas
Betel leaves	0 0 1 per bundle of 100 leaves
Sugar	0 4 0 per maund of 960 tolas
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do do
Butter	0 6 0 do do
Oats	1 0 0 per cent *ad valorem*
Bran	1 0 0 do do
Chaff	1 0 0 do do
Class II—Animals used for slaughter—	
Sheep and goats	0 2 0 per head
Class III—Oils and oil-seeds—	
Kerosene oil	0 2 0 per tin
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers
Class IV—Articles used in the construction of buildings—	
1 Timber—	
(*a*) Teak, honne and black wood	4 0 0 per ton of 50 cubic ft.
(*b*) Timber of other kinds	2 0 0 do do
2 Chunam or lime ..	0 4 0 per cart load
3 Roofing tiles (Mangalore pattern)	1 9 0 per cent *ad valorem*
Class V—Tobacco	4 0 0 per maund of 960 tolas
Class VI—Piece goods and other textile fabrics and manufactured articles of clothing and dress ..	0 0 3 per rupee *ad valorem*
Cass VII—Metals	1 9 0 per cent *ad valorem*
Class VIII—Other articles which are not specified above and which may be approved by the Government by an order in this behalf ..	2 0 0 do do
B. Terminal tax	Rates to be fixed by the Government from time to time.

SCHEDULE III.

[See Section 61, Clause (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ..	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more	40	0	0
For every motor car weighing less than 15 cwts.	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See Section 61, Clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the motor vehicles rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

SCHEDULE V.

[Section 61, Clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :— (i) carrying on business as a company; (ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents; (iii) bankers, money-lenders, money-changers and pawn-brokers; (iv) editors and proprietors of newspapers; (v) brokers and dealers in securities, shares or bills of exchange; (vi) practising barristers, advocates, high court vakils, soliciters, attorneys, pleaders, and law agents; (vii) practising medical practitioners of all kinds including hakims and vaidyans; (viii) dentists and veterinary surgeons; (ix) architects and civil engineers; (x) owners and farmers of markets and toll-farmers; (xi) keepers of hotels, lodging houses, or boarding houses; (xii) builders and surveyers; (xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds; (xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers; (xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages; (xvi) artizans.	Rs. 50

CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards	25

CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12

CLASS IV.

	Yearly. Rs.
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards	8

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards	4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards	1

NOTE.—The foregoing classification is subject to the following provisos, namely:—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

[See section 61, clause (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops.— For each shop per year	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit.— For each place per year	30	25	20	10	4	2

SCHEDULE VII.

[See clause (b) of section 62.]

*To be inserted if the tax is to be substituted for any existing tax.

Notice is hereby given to the inhabitants of the municipality of .....that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.....of the sanctioned rules.]*

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objctions in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of section 62 are to be appended here.]

SCHEDULE VIII.

[See Section 74.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the municipal council.

I, A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 1933 of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

[See Section 74.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the municipal council.

I, A. B., hereby give notice, as required by section 73 of the Mysore Town Municipalities Regulation, 1933 of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property				
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries

(Sd.) A. B.

SCHEDULE X.

[See sub-section (3) of Section 90.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from ....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the..... day of.....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at.....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of Section 91.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

*Here describe the tax.

Whereas A. B. of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of.... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 91 of the Mysore Town Municipalities Regulation, 1933 the goods and chattels of the said A. B to the amount of , being the amount due from him, as follows :—

	Rs. a. p.
On account of the said tax	
For service of notice	

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 ,

(Signed)

President (or as the case may be), see section 91 (2).

SCHEDULE XII.

See clause (*c*) of sub-section (5) of Section 91 and sub-section (1) of Section 87.]

Form of Inventory and Notice.

A. B., residing at.....

Take notice that I have this day distrained the goods and chattels pecified in the inventory beneath this, for the value of..... lue for the tax*.....mentioned in the margin for the eriod commencing with the day of 19 , and ending vith the day of 19 , together with Rs. ue as for service of notice of demand, and that unless within five days rom the day of the date of this notice you pay into the municipal ffice at.....the said amount together with he costs of recovery, the said goods and chattels will be sold.

*Here describe the tax.

Dated this day of

Signature of Officer executing the warrant / collecting octroi. / collecting toll.

Inventory.

(Here state particulars of goods and chattels distrained.)

M. N. KRISHNA RAO,
Dewan.